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Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable LAMAR ALEXANDER, a Senator from the State of Tennessee.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by the Chief of Staff to the Senate Chaplain, Alan N. Keiran.

The guest Chaplain offered the following prayer:

Let us pray:

Lord God, King and Creator of the heavens and the Earth, we pause to offer our praise and thanksgiving for the joys of life. You have blessed us with friends and family, freedom and faith. You have given us religious liberty and have challenged us to seek Your eternal wisdom as we plot the course of our lives. You have blessed our Nation with praying leaders whose hearts are inclined toward You.

We ask Your blessing on all our Nation's leaders and citizens. Bless our President, our Representatives, our Senators, their families, and their staffs. May each experience a deep sense of Your love and mercy. Grant them good health, safe travel, and ample rest as they serve our great Nation.

Be with the members of our Armed Forces and their families. Grant those in harm's way the light of Your presence. Bless and protect all guardians of liberty at home and deployed. And bless all who are attending Mrs. Coretta Scott King's funeral today.

We pray in Your glorious Name.
Amen.

PLEDGE OF ALLEGIANCE

The Honorable LAMAR ALEXANDER 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 legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 7, 2006.

To the Senate:

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

TED STEVENS,
President pro tempore.

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

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 be a period for the transaction of morning business for up to 60 minutes. The first half of the time will be under the control of the Democratic leader or his designee, and the second half of the time will be under the control of the majority leader or his designee.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

SCHEDULE

Mr. McCONNELL. As the occupant of the chair indicated, this morning, we will have a period of morning business

for up to 60 minutes, and that is equally divided.

Following that time, the Senate will resume consideration of the motion to proceed to S. 852, the asbestos bill. Yesterday, the majority leader filed cloture on the motion to proceed to the asbestos bill and that cloture vote is scheduled for 6 p.m. today.

We have a Senate delegation attending the funeral of Coretta Scott King in Georgia today. Tonight's vote at 6 will be the first vote of the day.

ORDER OF PROCEDURE

I ask unanimous consent that debate on the motion to proceed be equally divided between the two leaders or their designees. I further ask that the last 20 minutes be allocated as follows: The Democratic leader or his designee for 10 minutes, to be followed by the majority leader or his designee for the final 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, it is our hope that we will be able to invoke cloture today and start debate on the substance of this very important piece of legislation. If cloture is invoked, I believe the chairman would be ready tonight or early tomorrow to begin work on the bill, and we can discuss the timing of that later in the day.

As the leader announced, we expect to be on the asbestos bill for the remainder of this week. We would like to make progress on asbestos-related amendments throughout this current week.

I also remind our colleagues that we will continue to work on executive nominations this week. There are a number of executive nominations on the calendar. They are ready for consideration and should be considered. Members should expect votes on those nominations as well.

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

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

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



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The legislative clerk proceeded to call the roll.

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

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

IMPACT OF THE BUDGET PROCESS

Mrs. MURRAY. Mr. President, a week ago we all listened as the President laid out his priorities in the State of the Union.

At the time, I noted that what he says in his speech is a lot less important than what he does in his budget.

Yesterday, he sent us his budget, and I am deeply concerned about what it means for our country, our people and our future.

Later today, I will raise some of my concerns directly with the budget director, and I will come back here to the floor time and again to talk about what we should be doing.

But this morning, I want to step back and take a broad look at the significance of the budget and the choices before us.

I want to remind my colleagues that what we do now will affect us, and the American people, months from now.

The budget decisions we make now will either empower us, or tie our hands, when we turn to write the appropriations bills.

I am speaking on the floor today to warn my colleagues that you cannot vote for an unrealistic budget in the spring and then act surprised in the summer and fall when painful cuts are required.

At the end of every year, Congress crams several important pieces of legislation through in a rush to head home for the holidays. This past year was no different. In a matter of days, we finished appropriations bills, authorization bills, and even spending cuts.

Unfortunately, the logjam we experienced at the end of last year was not a surprise to many of us who work closely on the budget process.

Starting in March, many of us began raising concerns that we were headed in the wrong direction. We knew that there was no way we could honor our commitment to America's working families, enact huge cuts in entitlement programs like Medicare and Medicaid, enact another round of tax cuts, and continue to cut our Nation's deficit.

When you add in the growing cost of war and Hurricane Katrina, the legislative train wreck was entirely predictable.

But no matter what the hurry, make no mistake these bills have serious consequences, and their impact will be felt for years to come.

They set funding levels, cut and grow programs, and set important policy for agencies and programs touching nearly every American.

But it is more than that. Collectively, they represent our priorities and reflect our values.

They provide the direction we intend to lead the country. And what too few Americans know—and too few Senators seem to remember—is that one single document serves as the blueprint for these additions, subtractions and everything in between each year.

I'm speaking, of course, about the Federal budget resolution.

Every year, with much fanfare and even more detail, the administration sends Congress a spending and revenue plan for the next 5 years. Congress is required to draft a similar spending and revenue plan.

Our work begins on the day we receive the President's budget and is supposed to be completed by April 15. From early February, until April we debate, mark up, and offer a multitude of amendments.

Most of the time, we complete this process and move to the next phase of the budget process on May 1. The congressional budget resolution sets the tone for the entire budget process, including appropriations.

I have served on the Budget Committee for my entire Senate career. It's a very important committee, one that I take great pride in working on. But its work is not often considered newsworthy or particularly interested for the press and public.

While this process may not always draw front-page coverage, its importance could not be greater.

This one document is more than numbers and charts. From health care to energy, security to the economy, this one document is the vehicle that allows us to act on each and every priority the Government will have for an entire year.

The Federal budget is the statement of our priorities as a people. It should be a moral, thoughtful document.

It should carefully consider its impact on the Nation's best-off and worst-off.

Too often, I fear, this impact is overlooked in all the details and process. Its impact is lost in the time from the budget's passage to the enactment of the final appropriations bills.

That is why this year, with the benefit of our action at the end of 2005, with upcoming votes on left-over items from last year, and with the President's new budget, I wanted to come here to the floor to ensure that we all know the stakes of this great debate.

And I intend to be back, saying much the same, I fear, in the weeks and months ahead.

This year's budget, and the priorities it enacts, will not be lost to time, if I have anything to say about it. It is simply too important to forget.

As I listened to the President's State of the Union, I felt a real disconnect between his priorities and the challenges facing working families in Washington State, Americans across our country, and those fighting for our freedom abroad.

We all want America to be strong again and that means we must invest in our people and in our infrastructure. What the President said last week matters much less than what he does in his budget.

That budget is a document of values, and it will tell us if he is really intent on creating a brighter future for America or just giving us more of the same.

It is time to put the needs of America's working families first. We need a government that reflects our values and provides real economic incentives to encourage job creation.

We can do that by investing in our infrastructure, providing affordable, accessible healthcare, supporting energy independence, providing education for all of our children, and protecting our ports and borders.

These are the priorities that will make our Union and our families strong. We also have a moral obligation to ensure that our troops who serve and protect all of us have the resources they need on the battlefield and when they return home.

Unfortunately, if last year's budget and this year's speech are any indication, the President's priorities are simply not in line with those of the American public.

Almost exactly 1 year ago, the President previewed his FY 2006 budget in the State of the Union Address. He said:

My budget substantially reduces or eliminates more than 150 Government programs that are not getting results, or duplicate current efforts, or do not fulfill essential priorities. The principle here is clear: Taxpayer dollars must be spent wisely, or not at all.

A week later, we received a budget from President Bush that slashed health care programs, punished veterans, cut education aid, and increased the long-term financial obligation we'll leave to the next generation. His "non-essential priorities" were made quite clear.

In choosing to vote against that budget, I said:

Families in Washington State and across the country are concerned about the security of their jobs, their communities, access to affordable health care and a quality education. Unfortunately, rather than inspiring confidence, the budget we are voting on tonight leaves too many Americans questioning the future.

On issue after issue, this budget falls short of what our communities and our country need to move forward.

I know what responsible budgets look like because I've worked with chairmen of both parties to create them.

Unfortunately, this Republican budget fails to create jobs, improve security and meet our country's needs.

Mr. President, last year's budget proposal was a disaster. It cut Medicaid—the health care for our most vulnerable. It cut education. It cut veterans funding. And incredibly, once again, it increased the deficit.

The President has rightly been focused on our Nation's security, but his budget didn't reflect the type of priorities that keep Americans safe. Speeches are one thing, but they ring hollow

if not matched with a real commitment of funding.

In fact, in his budget proposal last year, the President tried to cut firefighter grants, funding for U.S. search and rescue, and the port security grants that help keep cities such as Seattle and Tacoma safe. If we are serious about our security, then each of these should be priority for this President.

And after that budget passed—by the slimmest of margins, I might add—we felt the pain it inflicted. In appropriations debate after appropriations debate Democrats, and in some cases even some Republicans, fought to provide the basic funding for services that make a difference in every American's life—the most important programs needed.

Several times Republicans invoked the budget, saying we couldn't provide the necessary dollars because of its constraints.

The budget and the Bush priorities were taking their toll.

As if these painful cuts weren't enough, the Bush team actually used the budget to ensure more hardship for the least among us, while handing out more perks to the best-off.

Through reconciliation, Republicans "saved" billions of dollars on the backs of the poor. Again, by the slimmest of margins in each Chamber, they cut Medicaid, Agriculture, and retirement security programs.

Reconciliation is intended as a tool for reducing the deficit. Unfortunately, the Republican leadership has pushed reconciliation bills that actually make the deficit worse and pass the burden of tax cuts for the wealthy and the cost of the war on the backs of poor children, the disabled, and our Nation's seniors.

I will say again what I said when they brought this immoral bill to our committee: At a time when communities along our gulf coast are hurting, when we are facing the implementation of a confusing new prescription drug law, when our roads and bridges and railways are aging, when millions of Americans are concerned about how they are going to pay for heat in their homes this winter, and when the men and women who have sacrificed to serve us overseas cannot find health care or jobs when they return home, we should be focused on protecting our most vulnerable, not handing them further burdens.

There is one particular area that warrants mentioning because we have heard a lot about it in recent days, and that is health care. We heard the President talk about his health care priorities in his State of the Union Address last week. But every American knows that actions speak louder than words.

One of the most serious challenges facing all working families today is the escalating cost of health care. Instead of addressing the increasing cost of health care and its impact on the uninsured, last year's failed budget strategy only made this situation worse.

In the reconciliation package the House approved, half of the cuts come from Medicare and Medicaid. We know from a recent CBO report that an estimated 65,000 enrollees in Medicaid will lose coverage under the Republican budget reconciliation bill.

The reconciliation bill shifts greater costs to working families and could reduce Washington State's share of Medicaid funding by \$185 million. The package requires higher copayments and premiums for low-income children. It eliminates the focus on prevention benefits and early screening for children.

Medicaid is an essential safety net program for seniors, for the disabled, and for our children. Without Medicaid, there are very few options available for receiving care. Nationwide, in fact, 40 percent of all births are paid for by Medicaid. Where will these people go for care? Who is going to pay? The reconciliation bill cuts \$35 billion from services that make America stronger and make our communities more secure, all while burdening our children with massive debt.

Rather than being good stewards of taxpayers' dollars and helping our Nation become stronger and more secure, and rather than paying down the debt, Republicans are back to the same game: They want to keep shoveling money right back out the door in the form of billions of dollars in tax breaks for the wealthiest Americans.

My colleagues on the other side of the aisle like to point out that they cut spending by \$40 billion, but they did so by cutting student aid, cutting health care for the poor, and cutting other programs that are critical to working families, and they did it all while increasing the deficit.

As our outgoing Federal Reserve Chairman Alan Greenspan once said:

If you are going to lower taxes, you should not be borrowing essentially the tax cut. That over the long run is not a stable fiscal situation.

I agree. Imposing painful cuts on hard-working families to pay for more tax cuts and then passing the cost on to our children is clearly wrong. We can and we must do better. And let's not forget higher deficits also mean a larger debt. It is no surprise that we soon will be asked to raise the borrowing authority yet again for the Federal Government to over \$8 trillion. That is going to mean less capital for small businesses to expand and it means higher interest rates for every working family.

Once again the budget and Bush priorities will take their toll.

As I look at the challenges facing our country and as I listen to the people in my home State of Washington, it is pretty clear that the top priority now must be making America strong again. And to do that, we need to invest here at home. That means taking care of education, health care, infrastructure, housing, safety, and security, and on each of these fronts, the Bush prior-

ities have been time and again misguided, adrift, and downright painful for millions of Americans.

I believe that in order to make America strong, we need to make investments here at home in our people, in our infrastructure, and in our communities. Everywhere I travel in Washington State, I hear from families who are struggling to find a safe and affordable place to live. Whether it is a young couple looking for their first home or a family searching for rental housing close to their job or a senior citizen who wants to find better access to social services, it is harder than ever in this country to find affordable housing.

Across the country, public housing agencies and nonprofit organizations are working to help families find a place they can call home. At the same time, they are contributing to community revitalization efforts that will bring new jobs and opportunities. But a lack of funding threatens those achievements that have been made and the work that is yet to be done.

It is also critical that we continue to invest in our Nation's infrastructure. Recent cuts in transportation spending threaten to weaken airline safety, impose new transportation costs on American businesses, and cost tens of thousands of construction jobs. Investing in our Nation's transportation infrastructure will help reduce congestion, improve safety, and support continued economic growth. I urge this President to support these critical investments and put action behind his good rhetoric.

When I am home in my State of Washington and here in DC, I hear a lot of concern from the business community, from local governments, and families over the United States losing its global competitiveness. In fact, we heard a lot from President Bush the other night on this very subject. But last year's budget set us on a path that weakened education programs at all levels, and the new budget that was sent to us yesterday does the very same thing.

Last year's budget so constrained our education programs that the Labor-HHS appropriations bill failed once in the House and almost did not pass at all. In the end, programs faced one last hit again, a 1-percent-across-the-board cut that further hindered education at every level.

In a time when our schools are facing increasing requirements under the No Child Left Behind Act and families are facing rising college tuition costs, this is no time to be shortchanging education.

Last year's budget resulted in funding levels that represented the smallest increase in education in a decade, and this year the President is proposing the largest cut to education in 26 years.

This year, \$12.7 billion is proposed to be cut from student loans that help low-income and middle-income families pay for college. Seventy percent of

those cuts will be paid for by students and their families. Those cuts will not go for balancing the budget either; they are going to go for tax cuts for those who need them the least.

Tuition and fees increased this year by 7.1 percent for 4-year public universities and 5.9 percent for private universities. Not only is cutting student aid the wrong priority for our country today, but it will cost our Nation dearly in the long term.

Today only one-third of the U.S. workforce has a postsecondary education, and it is estimated that 60 percent of the new jobs in the 21st century will require college education. Workers who have attended college have higher incomes and lower rates of unemployment than those who do not. And those with a college education are more likely to have jobs with benefits, such as health care and retirement and pension plans.

We should be helping to break down the barriers to a college education, not building them up with this budget plan.

I want to talk about veterans funding because with so many of our brave men and women fighting for us overseas, I believe our most fundamental priority has to be to take care of those who sacrificed so much for all of us.

I have said time and again that actions speak louder than words, but it was, nevertheless, very troubling to me when President Bush failed to even mention our veterans in the State of the Union Address. I hope he will not forget them in the budget process.

I am concerned that the President's fiscal year 2007 budget that was just sent to us is not based on real numbers and does not reflect the real demand for VA services. I am convinced that without real budgets based on real numbers, the VA is going to face a shortfall again this year and more veterans are going to be denied the care they have earned.

The rising utilization rates, increasing costs of medical care, and the influx of veterans from Afghanistan and Iraq are going to require more VA funding.

In addition, the new Medicare prescription drug program has added more demands on the VA. Many seniors who are veterans are now being told they should go to the VA for their prescription drugs. Surely, this influx of new VA patients will have a major impact on the VA system and will inevitably delay access for veterans.

Finally, much of the increased demand on the VA system is due to the nationwide health care crisis. As veterans lose their health care coverage from their own employers, they are coming by the thousands to the VA to get care for the first time. The longer the health care crisis continues to grow, the more the demands will be on the VA to take care of the veterans population.

As my colleagues will remember, last year I was told the VA didn't need any

more funding. The administration told me everything was fine and that they could handle the demands brought about by the Iraq war. I tried time and again to increase funding for the VA to maintain veterans' access to the health care they were told they would get, and I was fought at every level. Then finally in June, Secretary Nicholson announced the VA was, indeed, facing a \$1 billion shortfall in fiscal year 2005 and that the VA miscalculated demands in the VA by over \$3 billion between fiscal year 2005 and 2006.

In June, when I asked whether the administration had adequately planned for the impact of the war, I was told the VA underestimated the number of Iraq war veterans by over 300 percent.

I finally was able to work with my colleagues to attach \$1.5 billion in emergency funding for the VA on the fiscal year 2006 Interior appropriations bill and another \$1.2 billion in the fiscal year 2006 military construction bill to finally cover this shortfall.

Since the war in Iraq began, there have been 2,245 casualties and 16,548 wounded soldiers, sailors, airmen, and marines. Our men and women in uniform—past, present, and future—will time and again answer the call to duty, and at the very least they deserve a budget that fulfills our commitment to them and to their families.

I look forward to debating the President's budget this week. I truly believe it is one of the most important actions that we take every year because it sets the tone for everything else we do.

Tuesday night last week the President told Congress and all Americans that:

In this decisive year, you and I will make choices that determine both the future and the character of our country.

I couldn't agree with him more. Our future and our character are at stake. A budget reflects our priorities and our values. Let's make sure our budget for the coming year reflects the best of both, and let's remember that the decisions we make now will tie our hands months from now.

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

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PROGRESS OF THE ECONOMY

Mr. COLEMAN. Mr. President, I wish to spend a little time today talking about the economy. When I was mayor of St. Paul, people would say: Mayor, what are you doing for kids? My response would be: The best thing I can do for kids is make sure mom and dad have a job. The best welfare program is a job. The best housing program is a job. Access to health care most often

comes through a job. So that was always my goal—jobs, jobs, jobs.

I want to talk about the economy, but I want to touch briefly on the budget. The President submitted his budget. There will be a lot of debate. It is the beginning of a conversation. The President submits a budget and then we take a look at that budget and we weigh a number of options and ultimately it concludes. It is the beginning of a conversation.

One of the things I find somewhat frustrating is that my colleagues on the other side of the aisle talk about the deficit. We are all concerned about the deficit. We do not want to pass on debt to our kids. We don't want to put obligations on them from what we do today. We need to be more responsible. So we hear concern about the deficit, about which we are all concerned. Then anytime the President says we have to keep a lid on spending, our friends on the other side of the aisle complain that we are cutting too much. You cannot be so passionate about the deficit if you are not willing to do something about it. It is not enough to complain. It is not enough just to be against.

What the President has done is say: OK, we are going to cut the deficit in half by 2009. We are going to have to make some tough choices. We will have to make some very tough choices. But the answer is not simply raising taxes. The answer is not more spending. We are going to have to do the hard act of governing. It is not enough just to complain. It is not enough to say what you are against. What is your alternative? What are you for?

The President has laid on the table a budget with the hope of continuing progrowth policies, restraining spending, cutting the deficit and, perhaps most importantly, dealing with the long-term danger, the challenges we face with close to 70 percent of our budget going to things that are mandated. So we have to look at Social Security and Medicaid, and we have to do the right thing—do the right thing for our seniors, do the right thing for those in need. We have to have the courage to look at those things and act. You can't just complain. You can't keep complaining about the deficit and every time there is an opportunity to put a lid on spending you are against that. It doesn't make sense. It doesn't add up.

I wish to talk a little about where we are today and what has happened with what we have done in the past. We passed some tax relief. Mr. President, you and I together had the opportunity to be here during consideration of a number of proposals which have actually cut taxes. What has been the result? Let us look a little bit at the numbers.

The President's tax relief has produced more than 4.7 million new jobs since November 2003 when he signed the legislation accelerating broad-based income tax reductions and provided capital gains and income tax relief. Today the unemployment rate is

4.7 percent, lower than the average of the last three decades, and the lowest in 4 years.

Home ownership has reached an all-time high. This economic growth would not be possible without the President's tax relief. Recall when we had the tech bubble burst during the last administration—a bubble that should never have been allowed to inflate so high. We had corporate scandals that were nonpartisan but certainly were encouraged by the get-rich-quick ethic of the 1990s. We had the attack of September 11, and now we have the daily war on terror. The President's tax relief, which was fully implemented in 2003, has been critical in helping the economy recover from the recession and the terrorist attacks of 2001. Things such as small business expensing, capital gains tax relief, bonus depreciation—all helped to get this economy back on its feet and helped the economy continue expanding, despite the hurricanes and high prices of 2005.

So on September 11, 2001, we faced a recession. We faced the end of the tech bubble. We faced hurricanes and high energy prices. With the tax relief provisions fully implemented in 2003, tax receipts also responded accordingly. In fact, receipts jumped by a remarkable \$274 billion or 14.5 percent, the largest increase in the last 24 years.

These recent gains in receipts confirm that a strong economy is the most important factor in reducing the deficit. You want to reduce the deficit? Grow the economy. Keep a lid on spending and grow the economy but don't advocate more spending and higher taxes. That is not a way in which you grow an economy. If you compare the economy with the same point in previous business cycles, in many respects the current expansion is even stronger than the growth of the early and mid-1990s. We look back to the mid-1990s, the Clinton years, as the halcyon days of the economy. Boy, things were great 10 years ago. Let me run some comparisons.

For example, in April 1995 the unemployment rate was 5.8 percent. Today it is 4.7 percent. The African-American unemployment rate was 10.7 percent. Today it is 8.9 percent. This is a key figure: Productivity growth in 2005, the key to raising our standard of living, is at 3.1 percent compared to 0.3 percent in 1995—10 times today the productivity increase than it was in the halcyon days, the glory days of the nineties. Economic growth averaged 3.5 percent in 2005, while in 1995 it was 2.5 percent. If that picture had been drawn for us 5 years ago, how many would have predicted the economy would be in as good shape as it is today?

The reason is sound monetary policy and tax relief that were well timed and sized to stimulate the economy when it needed it the most. Unfortunately, in a scene reminiscent of the movie "Groundhog Day," many on the other side are arguing that we should let this tax relief expire. In other words, we

should raise taxes. If you let tax relief expire, you are saying we should raise taxes. This is the wrong prescription for the American people and for the fiscal purse. We are not an undertaxed society. By rejecting tax increases on family and small businesses, we will help keep the economy on a continuing course of job creation and strengthen the foundation for long-term economic growth.

For example, a closer look shows that the capital gains and dividends tax relief packages actually paid for themselves. The latest statistics on capital gains tax collections were recently released by the nonpartisan Congressional Budget Office, and receipts are not way down but receipts are way up—by 45 percent, by the way, to be exact. Recall, one of the things Congress did was to reduce the tax on capital gains from 20 percent to 15 percent. Opponents predicted, as ever, that this would reduce revenue. In other words, since we have lowered the percentage of taxes we are getting on capital gains from 20 to 15 percent, the opponents say you will not bring in as much money; you lower the tax we are taking.

It is not even close. The 25-percent reduction actually triggered a doubling of capital gains revenues to over a half billion dollars in 2005 to \$269 billion in 2002. In addition, a new report from the American Shareholders Association finds that actual capital gains revenues were \$62 billion higher than what was predicted over the 3-year period—\$62 billion higher. While this may seem counterintuitive to some, it makes perfect sense to me and confirms that capital gains tax relief increased economic activity, leading to more revenue for the Treasury.

When I was mayor of St. Paul I didn't raise taxes in 8 years, and we grew the economy and grew jobs because it was a better place to do business and more moms and dads were working and putting money in their pockets and food on the table and taking care of their families.

What we have here is Punxsutawney Phil coming again. My friends on the other side of the aisle again argue that only the rich benefit from this relief. This ignores the fact that capital gains and dividend relief has played an essential role in creating over 4 million new jobs over the past couple of years, in 32 straight months of positive economic growth. Taxes on dividends and capital gains are impediments to capital formation. If you tax too much, you impede capital formation. You have less money going into the economy to grow jobs. They impede entrepreneurial activity, the wellspring of economic growth and wealth creation. Americans across all levels of household income have benefited from these lower rates.

Nearly 60 percent of those paying capital gains earn less than \$50,000 a year, and 85 percent of all capital gains taxpayers earn less than \$100,000 a year, according to the Joint Economic Committee.

I know many express concerns regarding the budget deficit. There is no doubt that Congress needs to do all it can to responsibly control the rate at which we spend on mandatory programs—on which we spend on programs. But some advocate that raising taxes is the key to opening the door to fiscal discipline. I am afraid instead of opening the door to prosperity, higher taxes will shut the door on innovation, entrepreneurship, and greater economic growth.

I recognize the uneasiness and uncertainty in America today regarding our economic future. But if one looks at the data, it is clear that the economy remains solid. Productivity is strong, employment growth remains robust. Both retail sales and the housing market remain on a path of remarkable growth. The American economy is highly flexible, and thanks to that we have been able to absorb natural disasters and high energy costs that would have easily thrown the economies of other nations into economic recession.

To ensure the economy's continued momentum, we must make the President's tax relief permanent or else small businesses, teachers, college students, and hard-working moms and dads will see their taxes go up.

Yet tax policy is not the only key to economic growth. As I said before, we face challenges. I know my neighbors and folks in my community in Minnesota are worried about what is happening in India and China. They are worried about the prospect of losing their jobs. Certainly, Mr. President, you are very sensitive to what is happening to the global economy and the impact it has on the good people of South Carolina.

We have to understand that we are not going to win the low-wage jobs.

There is a recent study by the National Science Foundation entitled "Rising Above the Gathering Storm." The President did not mention it directly in his State of the Union, but he is recognizing that we produced 70,000 engineers last year. China produced 600,000; India produced 350,000.

For the cost of one engineer or one chemist in the United States, a company can hire five chemists in China or 11 engineers in India.

Of 120 chemical plants being built around the world with price tags of \$1 billion or more, one is in the United States and 50 are in China.

I could go on and on and on. We face some challenges out there.

We rank 17th in the proportion of college-age kids earning science and engineering degrees, down from third place a couple of decades ago.

We are making progress. The President is setting the pace. We have bipartisan legislation that follows up on that.

There are a number of things we need to do. In addition to that, we need to reduce our dependence on foreign oil. We need to reform our legal system, including completing our work on the asbestos bill that is before the Senate.

We need to continue to work toward opening foreign markets to American goods and services. What we do not need to do is to apply the brakes on the economy by raising taxes on hard-working moms and dads, small businesses, college students, and teachers across the country. That is not the prescription for continued economic growth. I have said this many times, but the fact is by cutting taxes you grow jobs. We have been through a recession, national emergency, corporate scandals, and a war. Yet because the President has stepped forward with an economic plan based on the common-sense belief that we should put money back into the pockets of ordinary Americans, the economy is going strong. By providing businesses with incentives such as bonus depreciation and expensing, they will be able to reinvest in their operation, purchase more goods, and hire more employees. That translates into jobs, economic growth, and opportunity for all Americans.

Given the good news on the economy, even the most persistent critic must concede that the President's economic program boosted the economy's performance and played a crucial role in helping the economy to rebound from the recession that began during the final months of the Clinton Presidency. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

ASBESTOS

Mr. KYL. Mr. President, when the Judiciary committee reported an asbestos-trust fund bill in 2003, I proposed three criteria for evaluating such a bill: the trust fund must be fair to people with asbestos injuries; its cost must be reasonable; and it must provide a permanent solution to the asbestos-litigation crisis. Last year, I voted to report this bill out of committee because I believe that the bill does meet or has the potential to meet each of these criteria. I also voted for the bill in no small part out of appreciation for the chairman's extensive efforts to address my concerns about the bill. I particularly appreciate his assistance in adding to the bill a gatekeeper mechanism for certifying exigent claims seeking an early settlement. Any startup provision that threatens to prematurely return the trust fund to court is bad for victims, bad for participant businesses, and bad for the U.S. Government. Once this fund is started, it need to work—we cannot shift victims back and forth between the tort system and the fund, especially those victims with malignant conditions, who likely do not have long to live.

The need for this bill is obvious. Current asbestos litigation practices have been accurately described by Professor Lester Brickman as a "massively fraudulent enterprise fit to take its place among the pantheon of American scandals." Typically, trial lawyers con-

solidate thousands of claims and file them against a series of defendants. These claims are generated by mass-screening recruitment companies that ignore all scientific standards for identifying asbestos disease and employ corrupt physicians who will say that anyone has asbestosis if the fee is right.

In the perverse rules, plaintiffs' lawyers have a de facto veto over confirming the bankruptcy trust and can thus dictate its terms.

The results are predictable: even for asbestos bankruptcy trusts amounting to billions of dollars, the plaintiffs' lawyers take 40 percent off the top. These recoveries inevitably compensate lawyers in an amount several orders of magnitude greater than anything resembling a reasonable hourly rate. And all for bringing claims that no honest doctor would ever describe as legitimate cases of asbestos injury. It is easy to see where a well-crafted trust fund could improve on this system—how it could cut out the trial lawyer middle man and preserve recoveries for actual victims of asbestos disease.

Nevertheless, when I voted for this bill in the committee, I expressed reservations about the final product. One concern about this bill looms above all others, and it directly threatens all three of the above-stated criteria for evaluating the bill: solvency. I remain deeply concerned that this fund will run out of money and prove unable to pay all qualifying claimants. Allow me to explain why I am concerned about the fund's finances.

Here are a couple of reasons why. First, look to the bankruptcy trust funds previously existing and that have existed in the past. What has our experience been? Not very good.

In written questions to Dr. Francine Rabinovitz, who has been retained by trust fund bankers to estimate future claims under the fund, I asked her about the experience under the asbestos bankruptcy funds. Those funds are about the closest analog to what we are doing here—no-fault funds that compensate all claimants who meet particular exposure and medical criteria. Indeed, the criteria for this fund explicitly are borrowed from the latest version of the Johns Manville bankruptcy fund, which is part of her study. I appreciate her candor. Here is what she had to say:

To my knowledge, none of the bankruptcy trusts created prior to 2002 have been able to pay over the life anywhere close to 50 percent of the liquidated value of qualifying claims. Of the current generation of bankruptcy trusts, the expected payout of those trusts, to my knowledge, ranges from a low of 5 percent (Manville) to a high of 31.7 percent (Western McArthur). The only current operating Trust to pay 100 percent of its scheduled values in the Mid-Valley Trust. These percentages are sensitive, of course, to the eligibility criteria the trusts apply. Under its original eligibility criteria, Manville was forced to drop its initial 100 percent payout first to 10 percent and then 5 percent of liquidated value. There will be a reevalua-

tion of Manville's ability to pay a higher percentage in the near future by virtue of the impact of its recently imposed more stringent eligibility criteria.

These figures should disturb us all.

We are legislating a \$140 billion trust—one that must work, because the costs of failure would be catastrophic. And yet the model for this fund is one that has failed every time that it has been tried. The miserable performance of the bankruptcy trusts should, at the very least, make us very cautious in proceeding down the same no-fault trust-fund path. While I recognize that this Fund is not exactly like the bankruptcy trusts—that it is designed better in some ways—in other ways the compensation criteria employed by this Fund are a change for the worse.

Another example that ought to give us some pause is the black lung fund, which is designed to compensate miners with CWP, a coal-mining-induced lung disease. That fund is now \$8.7 billion in debt. It is now finally bringing in enough revenue to pay current claimants, but it is unable to service its debt. Each year's interest is simply added to the total debt. This is no way to run a trust fund.

It is telling to read the story of the black lung fund and hear why it has become so overburdened. The narrative should sound familiar to anyone who has closely followed the committee proceedings for the asbestos fund. There is a June 12, 2002 report from the Congressional Research Service. I wanted to quote from part of it, but the bottom line is that the crafters of the black lung fund ignored medical science when they set up the fund's compensation criteria. As is predictable for Congress, criteria were developed in the spirit of political compromise rather than under the guidance of hard science. The results have been very unfavorable.

The report basically said:

Virtually all of the expectations for the Black Lung Benefits Act when it was enacted in 1969, e.g., the numbers of claims submitted or approved, were contradicted by subsequent experience. Corrective legislation was adopted in 1972, 1977, and 1981, including the establishment of trust fund financing in 1977, but results have continued to be at variance with expectations. As a consequence, the trust fund has perennially been in a position of growing deficit.

In other words, even at a time when the black lung fund's liberal compensation criteria were generating a surplus of claims, political pressures nevertheless pushed Congress to further liberalize those criteria and further bankrupt the fund.

In the asbestos arena, I fear that we already have repeated the first part of the black lung fund story. Our concern is that as we continue down this path, we risk repeating the rest of the story as well.

But this fund is different from black lung in one key respect: it is much, much more expensive. This fund has the potential to burn through scores of billions of dollars, rack up \$30 billion in

debt, and throw us back into the tort system—all within one decade. Such a result truly would make the black lung fiasco seem insignificant. It would be an utter disaster. We cannot let it happen.

I wish that the Judiciary Committee had learned more from the black lung experience—that we could at least recognize that a no-fault trust fund must be run as a tight ship, with rigorous compensation criteria and no leakage of claims. Unfortunately, that does not describe the bill that has been produced by the Judiciary Committee.

In his recent testimony before this committee, Dr. James Crapo described how we are repeating the same mistake made in the black lung fund: we are compensating diseases that are not caused by occupational exposure to asbestos. Dr. Crapo criticized the fund's compensation of persons with pleural reactions, which are not regarded as a disease and are not even a predictor of future disease. He also criticized the fund's claim level for persons with colorectal, stomach, and other cancers, noting that it would "result in large compensation to large numbers of individuals who develop a cancer for which there is no established causal relationship to asbestos exposure."

And just as was the case with black lung, despite the asbestos fund's use of criteria that are far more liberal than what can be justified by medical science, we already are hearing arguments that the fund should go further, that its compensation criteria should be even more liberal. For example, the medical literature strongly demonstrates that the only marker for asbestos-related lung cancer is clinically significant asbestosis. The cohort studies overwhelmingly show that unless a person has at least some asbestosis, asbestos exposure played no role in his lung cancer. But in this bill, we go further than compensating lung cancer in the presence of asbestosis. We also compensate lung cancer with pleural plaques. Pleural plaques are evidence of asbestos exposure but are not a valid marker for asbestos-related lung cancer.

And yet, even this has not satisfied some fund critics. This committee was even forced to vote several times on an amendment that would have obligated the fund to pay compensation for lung cancer when the claimant did not even have pleural plaques. The committee did defeat that amendment by a vote of more than 2 to 1, showing some respect for medical science. Nevertheless, the amendment is a harbinger of the political pressures that this Fund ultimately will face over its life.

Several other aspects of this bill also cause me concern. Let me summarize some of those.

For example, the sunset: The bill still contains a provision that would prematurely terminate the fund and return all claims to State and Federal court, with no mechanism for fixing problems even if the reason that the

fund is running out of money is because it is paying non-meritorious claims. Once the fund is started, it must work. Going back to court is not a realistic option. As the bill now stands, the fund would borrow \$30 billion prior to any sunset. Once companies are back in court defending against asbestos claims, they would also be paying down this debt. This would require full trust fund assessments for at least a decade. These payments, combined with renewed litigation and no, or heavily eroded, insurance policies, would be unaffordable for many companies. The effects of such a sunset likely would be so devastating that companies would demand that the Federal Government begin directly subsidizing the fund. This is a prospect that we should do all that we can to avoid. The fund should have a self-correction mechanism that makes sure that a sunset will never happen.

Another problem is allocation. This is an emerging problem, the scope of which we are only gradually becoming aware of, and, frankly, one to which I will devote my primary attention. The bill requires companies to pay into the fund based on their past asbestos expenditures, judgments, settlements, and litigation costs, even if those payments in the past were all absorbed by insurance. Companies' insurance will not cover their trust fund payments; insurers pay into the fund separately. The fact that the bill effectively invalidates the company's insurance contracts creates colorable takings claims against the fund. It also creates some serious inequities. Companies that found their asbestos liabilities to be manageable will find themselves facing unaffordable fund assessments. I am going to insist we have language in this bill that will address these inequities.

Another problem is startup. Much progress was made during the last days of markup toward fixing the so-called startup provisions. Nevertheless, the fund still ultimately allows claims to return to court if there are delays in startup, with no limits on award and no offsets in future fund payments for participants. Other, much simpler trust funds, such as those for radiation workers, have taken 18 months to start functioning. We cannot dismiss the possibility that this fund will require more than 2 years to begin paying all claims. Without an offset in limits, such a startup reversion would be disastrous for many companies.

Another issue relates to pending claims. The fund allows claims that already have advanced to trial to remain in the tort system with no offsets and no limits on damages. Already, some trial lawyers have begun seeking acceleration of their trial dates in order to take advantage of this provision. For the same reasons as applied to the startup provisions, such continued litigation could be very damaging.

A final problem is the problem of medical criteria which I alluded to ear-

lier. Although improved over the 2003 committee bill, especially with regard to removal of level VII smokers, the fund still pays people with very common diseases that were not caused by exposure to asbestos. Credible medical experts had expressed the view to the committee that these problems will bankrupt the fund. These flaws in the bill would be less severe if the fund contains some self-correction mechanism that allowed tightening the million-dollar criteria in the event of insolvency caused by nonmeritorious claims, but it currently contains no such mechanism.

In summary, the bottom line is this is a bill which remains very much a work in progress. I am committed to addressing its problems as the bill advances through the Congress. I want to see it advance through the Congress. The bill is so important to so many people: the asbestos victims seeking compensation—at least it might help take care of their families, the businesses with only marginal connections to asbestos that nevertheless face bankruptcy through litigation, and workers and pensioners who see their jobs and retirement accounts destroyed by the litigation juggernaut. This bill is important. I look forward to working on the legislation with the chairman of the committee, the ranking member, and others who are supporting it. I will support the cloture motion and motion to proceed to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Kentucky.

REMEMBERING CORETTA SCOTT KING

Mr. McCONNELL. Mr. President, with the passing of Coretta Scott King, we have lost the First Lady of America's civil rights movement. She and her husband, the Rev. Dr. Martin Luther King Jr., helped awaken the Nation to a dream of an America where each person, to use Dr. King's beautifully profound formulation, is judged by the content of his character, not the color of his skin. Ms. King continued to sustain the dream after her husband's death. We can take comfort in the hope that, 38 years after his tragic death, this couple has been reunited at last.

Because of Coretta Scott King, Dr. King's legacy is still alive. Her tireless efforts led to the establishment of Martin Luther King Day on the third Monday of January every year beginning in 1986 to mark Dr. King birthday.

Because of Ms. King, Americans everywhere can explore Dr. King life and vision through the King Center in Atlanta. Established in 1968, the King Center attracts over 650,000 visitors annually.

Born in poverty in Heiberger, AL, in 1927, Coretta Scott grew up in the midst of segregation, walking to a one-room schoolhouse every day as a school bus full of white children passed her by. But these harsh surroundings did not extinguish her spirit.

As a girl, she enjoyed singing and had the talent to attend Boston's New England Conservatory of Music to train as a classical singer. She would later lend her gift to the civil rights cause, singing at over 30 Freedom Concerts to raise money for the movement.

It was while in Boston, in February, 1952, that Coretta first met a 23-year-old Martin Luther King, who was pursuing his doctorate in theology at Boston University. As a lonely southerner in a northern town, he asked a mutual friend if she knew any nice young ladies he could meet. She mentioned the name Coretta Scott, and described her as "pretty and intelligent."

The young King persuaded the friend to give him Ms. Scott's number and asked if she'd put in a good word for him. Soon, he called for a date. Displaying a bit of verbal flair, he said, "You know, every Napoleon has his Waterloo. I'm like Napoleon at Waterloo before your charms."

"Why, that's absurd. You haven't seen me yet," Coretta replied.

Undeterred, he finally convinced her to let me take her out for lunch between classes. "I have a green Chevy that usually takes 10 minutes to make the trip from Boston University," he told her. "But tomorrow, I'll do it in 7."

That was 1952. They were married in 1953.

Ms. King once said, "I was married to the man whom I loved, but I was also married to the movement." Her entire life was intertwined with the fight to stamp out the injustices of racism and inequality.

After her husband's life was tragically cut short, Ms. King persevered, raising four young children on her own. It must have been a lonely struggle . . . but her dignity and grace inspired a nation.

A few days ago, Ms. King became the first African-American to lie in honor in the Georgia State Capitol rotunda. Today she will be laid to rest alongside her husband, at the King Center in Atlanta, and for all time they will be reunited.

Martin Luther King once said of his wife, "I think on many points, she educated me." Now, at the end of her celebrated life, many of us feel the same way. Dr. and Mrs. King helped educate America by forcing it to look itself in the mirror, face up to its failings, and recommit itself to its founding ideals.

So today, Coretta Scott King will be laid to rest in her beloved Georgia, next to the husband she lost 38 years ago. As the whole Nation reflects today on her incalculable contributions to human progress, I am reminded of Dr. King's own simple wish:

I don't know how long I'll live, and I'm not concerned about that—but I hope I can live so well that the preacher can get up and say, "He was faithful." That's all, that's enough. That's the sermon I'd like to hear: "Well done my good and faithful servant."

Ms. MIKULSKI. Mr. President, I rise to salute the life and legacy of Coretta

Scott King. She earned a place not just in our history but in our hearts. She was a true trailblazer for women, for the African-American community. She was an inspiration for all Americans. I feel privileged to have known Mrs. King throughout much of my political career. Her family is in my thoughts and prayers.

Mrs. King's courage and faith were remarkable. She insisted that she had her own voice in the civil rights movement at a time when women were often not recognized for their own talents and merit. Not only was she resolute, but she was feisty—someone after my own heart.

Mrs. King's life story was remarkable—even before she met Dr. King. She was born into rural poverty in Alabama and grew up in a two-room house that her father built. She came from a hard-working family. Her father hauled timber, owned a country store, and worked as a barber. Her mother drove a schoolbus. Growing up in the segregated South, Coretta Scott King saw the injustices of racial discrimination. Yet she saw the value in working hard and fighting for her dreams. She attended college and the New England Conservatory, where she trained as a classical musician.

It was while studying music in Boston that she met Martin Luther King, Jr. From the beginning of their marriage, Coretta Scott King maintained her own identity and voice. She was Dr. King's true partner marching by his side and speaking out on her own. At the same time, she was a mother, raising four children. The entire family lived with threats and intimidation.

We all remember those tragic days after the assassination of Martin Luther King. She comforted a nation that was torn apart. She is the reason we have a national holiday that honors Dr. King.

She fought for equality before the law, for economic justice, and for lifting people out of poverty. Her vision was put to action when she founded the King Center for Nonviolent Social Change and saw to it that the center became deeply involved with the issues that she believed breed violence—hunger, unemployment, voting right, and racism.

Coretta Scott King took her message of nonviolence to every corner of this country and to almost every corner of the world. She led missions to Africa, Latin America, Europe, and Asia. She was the first woman to give a class-day address at Harvard and the first woman to preach at the statutory service at St. Paul's Cathedral in London, England.

Coretta Scott King will be remembered throughout American history for her grace, strength, and belief that all people should be treated with dignity and equality. We must honor her legacy not just with words but with actions. We must recommit ourselves to the principles she stood for—opportunity, equality, and empowerment.

Mr. ALEXANDER. Mr. President, I rise today to speak about the life and contributions of an American civil rights icon, Mrs. Coretta Scott King.

Many people know Mrs. King as the wife of one of America's greatest citizens, Dr. Martin Luther King, Jr. Dr. King's enduring legacy of nonviolence and his quest for racial equality permanently altered the social fabric of America. Mrs. King will always be remembered as a part of Dr. King's life and legacy that are rightfully celebrated across our great land and throughout the world. However, Dr. King's towering accomplishments should not obscure the fact that Mrs. King held her own historic place in our Nation's struggle for equal opportunity.

I am reminded of the time some 20 years ago when Mrs. King came to see me when I was Governor of Tennessee. We were working to establish a holiday in honor of her late husband. It was harder work than it should have been, and I am reminded of how far we have come even since that time.

Mrs. King was the founding president of the Martin Luther King, Jr. Center for Nonviolent Social Change which continued to promote the noble philosophies of Dr. King. In addition to promoting the memory of her husband and his great work, Mrs. King created her own legacy as she traveled throughout America and across the globe to champion racial equality, women's rights, religious freedom, health care, and education.

We all know that Mrs. King was born in a time when America was very different than it is today. Little Black boys and girls could not go to school with little White boys and girls. *Plessy v. Ferguson* had not yet been overruled, so "separate but equal" was the law of the land. Lynchings were common and in many places the Ku Klux Klan terrorized Black communities, often operating with near impunity. As we look back on the amazing progress we have made since then, we remember those who were responsible for helping America turn away from the sins of injustice and inequality.

As a wife, a mother, and a leader of the civil rights movement, Mrs. King showed strength and dignity. With quiet determination, she preserved her husband's legacy and created her own place in the history of our Nation's struggle for equal opportunity.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2005—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 852, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Mr. SPECTER. Mr. President, in addressing the motion to proceed where we are scheduled to have a vote at 6 o'clock this evening, the question is whether the problem of asbestos, causing thousands of people to have deadly diseases and forcing many companies into bankruptcy and resulting in a situation where people with the deadly diseases have no one to claim against, the issue is whether we have a problem which is worthy of the attention of the Senate. That is an easy question to answer; it is yes. That has been authenticated by the Supreme Court of the United States on several occasions where the Court has said the matter should be addressed by the Congress. That came up in a context where there were class action suits attempting to find the modality for dealing with the issue, and the Federal courts—ultimately, the Supreme Court—said class actions were not appropriate and it was a matter for the Congress of the United States.

This problem has been intractable. It has been studied. There have been proposals for more than three decades. I first saw this issue soon after I came to the Senate after the 1980 election when Senator Gary Hart came to see me as a junior member of the Judiciary Committee on behalf of his constituent, Johns Manville. We have wrestled with this problem for decades.

Finally, on an idea conceived by Senator HATCH to have a trust fund, the bill was reported out of the Judiciary Committee in July of 2003. But the bill had many problems. I then solicited the assistance of Federal Judge Edward Becker, a senior judge who had been the Chief Judge of the Court of Appeals for the Third Circuit, and in August of 2003, Judge Becker convened a meeting in his chambers in Philadelphia attended by stakeholders. That is the name we gave to the various groups which had key interests in the asbestos bill. One stakeholder was the AFL-CIO, representing labor; another stakeholder was the manufacturers; another, the insurers; another, the trial lawyers. Even though the trial lawyers have been opposed to the bill because it has a major impact on their financial status—and I understand that—we included the trial lawyers in every step of the proceeding, trying to accommodate as many interests as we could. Even though someone was going to be opposed to the bill, we wanted to consider what they had to say. We wanted to produce a bill which was as good as we could possibly produce.

Following those initial meetings in August of 2003 in Judge Becker's chambers, there have been meetings in my conference room—totaling 36—attended by varying groups, from 20 to as many as 60, pouring out into the boundaries

of the office from the conference room. What we have done has been to seek to accommodate every issue which has come up. We are still talking to Senators and still talking to companies and interested parties to find answers to their problems.

One of the major issues has been the impact on small companies. That has been addressed by a number of Senators. Senator KYL has taken the lead, and a proposal has been worked out to cap the contribution by smaller companies which have gross revenues below a certain figure. In addition, there is a fund of some \$300 million annually for the administrator to take care of hardship cases so that no one, for example, should be driven into bankruptcy by what they have to pay. We have taken that into account.

The figure of \$140 billion was worked out by Senator FRIST and Senator Daschle about a year and a half ago. It is a figure that grows from that originally put into the trust fund to that figure where CBO has given us the assurance that the range of cost will be somewhere between \$120 billion and \$135 billion. Under one contingency, it could go to \$150 billion, but that is unlikely.

We have within the structure of the bill a provision that the administrator can make a reevaluation, going through certain preconditions, so that if it looks as if we are going to exceed \$140 billion, we can make modifications in the medical standards and criteria to stay within the \$140 billion.

One factor is emphatically plain, and that is that there is no obligation by the Federal Government to spend a dime. There were three amendments directed during the committee process to make sure of that.

There are possible technical points of order which may be raised, and we are in the process of trying to restructure the bill to eliminate them. At this point, I am not sure whether we can, but we are trying to do that, and we may be successful.

But if a point of order is raised on the merits, it ought to be examined by Senators because there is no impact on the Federal budget. Technically, the expenditures are made by the Federal Government because the funds go through the Department of Labor, but they are only a conduit. There is no Federal money. So if you want to use 60 votes to defeat the bill, the point of order may be available, as I say, or may not be. But substantively there is nothing to the point of order because this bill does not have any impact on the Federal budget because there is no Federal money. The Department of Labor is just, plain and simple, a conduit.

Similarly, if you want to defeat the bill on an obstructionist tactic, which is what is being undertaken now on a filibuster on the motion to proceed, the 60 votes can be used. Senator REID was on the floor yesterday, and we had a disagreement. You might call it a dis-

agreement. But the one thing that he did talk about involved the problems of people suffering from mesothelioma and other asbestos problems. So there is no doubt that the leader of the opposition, obstructionist No. 1, the Senator from Nevada, concedes the problem, concedes that we have a major problem. Now, that ought to be sufficient to proceed to see if we can solve the problem. Occasionally around here we ought to deal with a pending matter, whether it is a point of order or a motion to proceed, on the merits. What is involved in a motion to proceed is a decision by the Senate that we ought to consider legislation on this issue. If somebody has amendments, we are open. We have accepted more than 70 amendments in the committee. If somebody has a problem with constituents, I invite them to come to see me, my staff, or Senator LEAHY.

We have bipartisan support for this bill. Senator LEAHY, Senator KOHL, and Senator FEINSTEIN voted the bill out of committee. We have other support among Democrats. And I am talking to Senators on an individual basis and have visited with many of them in their offices and am available to do more.

But the issue on a motion to proceed is whether you have problem, which we certainly do, and whether legislation ought to be considered. And if somebody has amendments, if somebody has a constituent who thinks the constituent company is being asked to pay more than a fair share which is jeopardizing the company, come to us. We have been considering individual cases, and we have been solving them in many instances. We are open for business.

The distinguished Senator from Montana is going to address a problem in Libby, MT, where they have had environmental problems. Asbestos was used in a reckless, disgraceful, criminal manner by W.R. Grace & Company, and we are working to accommodate Libby, MT. There may be more that we can do for that issue. There are other so-called hot spots around the country, and we are taking them up.

There have been issues raised about our medical criteria. We have studies by the Institute of Medicine. If you have a problem, we want to solve it. We want this bill to go forward.

But on the narrow issue we are voting on at 6 o'clock this evening, any Senator who votes not to proceed is saying to his constituents, is saying to people suffering from mesothelioma, people suffering from asbestos exposure—anybody who votes no on the motion to proceed is saying there is no problem. Well, I think that is a pretty tough vote to explain, a pretty tough vote to explain that there is no problem, and it ought not to be considered by the Senate.

Yesterday, in the discussions—you might call them that—with Senator REID, I said this was certainly the most complex bill I have seen in the time I

have been in the Senate. And I think it is fair and accurate to say it is the most complex piece of legislation ever considered by a legislative body. I know that is a pretty grandiose statement, and I do not know all the legislation considered by legislative bodies, but I think it is accurate.

I challenge anybody to bring to my attention, to the attention of the Senate, any legislative proposal which has ever been undertaken and analyzed that is more complicated than this one, that has received more attention than we had in 36 meetings in my conference room, in dozens—dozens—literally hundreds of meetings involving Judge Becker and myself and Senators.

Enormous work has been done by Senator LEAHY. I owe him a debt of gratitude for his cooperation and his leadership. Senator FEINSTEIN has had innovative proposals on startup. As I say, Senator LEAHY, Senator FEINSTEIN, and Senator KOHL are cosponsors.

So if anybody has an issue, I invite them to come forward. But I think it is an unconscionable vote to vote no on the motion to proceed.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). Who yields time?

The Senator from Montana.

Mr. BURNS. Mr. President, today I rise on this subject and first of all I want to congratulate—maybe that is not the word—the chairman of the Judiciary Committee, for tackling this important problem. I can't think of a time or a piece of legislation that has been so complicated and so important to my State of Montana. So I want to tell the chairman of the Judiciary Committee that the statement he made is right on target. Some of us that have been impacted by asbestos and asbestos-related diseases take this very seriously. We need to vote to proceed.

I want to tell you why I am involved in this and there are a couple of other issues that are also burning in our office right now that need my personal attention. When you go to Libby, MT, it is a little town in northwest Montana on the Kootenai River, and the W.R. Grace Company had a mine up there. And if you are not torn on this issue, both sides of it, the statement of Eva Thomson from up there I will just read her statement. That is why I am giving my statement with regard to Libby, because it is an isolated case.

Eva Thomson said:

I have two sons, both them and I have asbestos-related disease. But they are not eligible by the standards in the existing bill as it is today. If the bill cannot be done right to protect us victims, please don't pass it at all. We place 225 crosses in the cemetery this Memorial Day in remembrance of asbestos victims. There are more than 20 new crosses this year. We need help, real help, and she thanks me.

Yet I have another one from Charlotte Wade, who says:

Please don't forget us. I watched my Dad Jack die in 2002 and my mother Margaret die and suffocate from asbestos in 2004. I'm next.

I've been on oxygen since the year 2000. My three grown children, no doubt, will follow.

Jim Davidson, long time resident of Libby, MT. He has been diagnosed with mesothelioma:

Because of the short time I have left, I'm vitally interested in seeing that a compromise is reached to allow passage of some type of relief to me and all others affected by asbestos and worse. As you know, there's no other avenue left to those of us in Libby, Montana, because of the bankruptcy of W.R. Grace. So I urge to you work for some type of help for us.

Those are just three of hundreds in Libby, MT, that makes it a special place and harbors a special place in this piece of legislation. So I rise today to ask the Members of the Senate to remember the plight of the residents of this small town as this debate over the asbestos bill continues. I know a lot of folks have taken issue with the assertion that the Libby residents deserve special consideration. Well, I am here today to reiterate why this consideration is needed.

The asbestos contamination in Libby is as widespread as any area in the country. Though a sparsely populated town, the residents of that city have been profoundly affected by this spread of asbestos-related diseases. The asbestos exposure in Libby is unlike any other place in the United States. While I know my colleagues lament that they have similar situations in their own States, I ask them to simply listen.

The scope of asbestos exposure in Libby, MT, may never be known, but let me assure, you, Mr. President, that it is significant.

When Governor Martz of Montana executed the so-called silver bullet under CERCLA, she triggered a fast track listing of Libby on the National Priorities List. There has only been one other time when the silver bullet has been triggered due to asbestos. But that case in Arizona was limited to 17 square acres, not the contamination of an entire town. And unlike the case in Globe, AZ, the asbestos in Libby, MT, can't simply be covered in a filter fabric and soil and rock, fenced to keep everyone out. Unfortunately we can't control the exposure in that way. And the people in Montana—in Libby—don't want that.

So I challenge anyone—anyone—from any State to identify a town anywhere else in the country that has these kind of situations. I just want to show you right behind me is the vermiculite mine that was opened in 1924. By the 1950, cases of previously diagnosed as tuberculosis were instead cases of asbestos exposure. The town of Libby is located in a valley where the W.R. Grace processed ore from the contaminated mine, more than a half million pounds of asbestos a day was processed.

The Libby case is not an isolated case to the exposure within the confines of a factory. Instead, asbestos was everywhere. Community exposure was rampant. Contaminated properties including everything from the Libby community boat dock to the high

school—the high school track. I want to put up this next picture. This is important. This is more than just a family hugging a mine worker after coming home and complaining of exposure. This is about asbestos exposure so significant that asbestos fibers fell like snow from the sky.

This is not very far from the mine. It is not very far from their loading and processing areas. This is the baseball field in Libby, MT. Children played on piles of vermiculite and all around town finding humor in taking a match to a fiber which would ignite.

Houses all over town were insulated with asbestos-contaminated in insulation. So my point is this morning, I invite anybody to visit this small town in northwest Montana, though I doubt my colleagues will take me up on the offer. In the summer, maybe when fishing is pretty good I could probably lure some of you out there but this is extremely important that other Senators understand the vast difference between this town of Montana and various processing plants that were located around the country. They were in isolated and enclosed areas.

This was free to the wind, to the winds of the vermiculite and one cannot just sit here and try to draw a mental picture of the impact that it had.

It is extremely important that Senators during this debate understand this is a special place, a special circumstance, and special people who still live there. I want to thank the chairman of the Judiciary Committee. Senator SPECTER has done marvelous work on this. And to tackle this issue, as big as it is, and though we may have some disagreements on the size of the trust fund, who pays into the trust fund, how much they pay, the formulas, all of this, but I am sort of on the other side of this. Mine is the protection of people who have seriously been impacted by this thing we call asbestos since 1924.

Walk through the cemeteries and see those families, and to have people come to your town hall meeting short of breath, being suffocated by this disease, or any disease related to asbestos.

I only hope we can continue to work together not only to safeguard these Libby provisions, but to improve them as well.

And again I want to thank the chairman. He is a man of great bravery to take this issue on. And it is troubling. It is complex. But I will tell you, it is important.

And I thank the chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Montana for those important comments. I commend him for his diligence in looking after his constituents with special reference to what has gone on in Libby, MT. He has outlined the problem, walking through the cemeteries, seeing the people who have been smitten since the 1920s. He underscores and

emphasizes, in graphic and forceful terms, the problem. I hear him when he talks about Libby, MT. We have been addressing it with a special provision. We will do more if we possibly can. I have talked to Senator BURNS off the floor on many occasions and heard the serious problems the people of Montana face in Libby. And I have heard the problem that these hotspots create around the country. We will do everything we can. I compliment the Senator from Montana for his thoughtful statement and thank him for his support on the motion to proceed.

Again, anybody who has listened to Senator BURNS, who doesn't think we ought to proceed and take up this problem, simply has his or her head in the sand. It would be unconscionable to vote against the motion to proceed.

Senator SANTORUM was in the Chamber a few moments ago. He proposes to speak on the Steelers' great victory. I am due at the swearing in of the Ambassador to Finland so I will have to leave the floor in a few moments.

(The remarks of Mr. SPECTER and Mr. SANTORUM are printed in today's RECORD under "Morning Business.")

Mr. SPECTER. In the absence of any other Senator in the Chamber, let me say I again invite any Senator or any constituent who has a problem with this bill to come see me. I know Senator LEAHY feels the same way. With all the outstanding work he has done, and our staffs, we want to do what we can to answer all of the problems. As we get ready for the vote on the motion to proceed this afternoon, we have certainly outlined the seriousness of the issue.

Since I spoke earlier, I have been reviewing the testimony or the argument yesterday of Senator DURBIN who spoke about the problem. No doubt there is a problem that has to be addressed. That is the issue on the motion to proceed. Senator DURBIN made a comment that he didn't know how the \$140 billion was arrived at. It was arrived at by his leader, then-Senator Daschle, in collaboration with Senator FRIST. He said he hadn't been able to find out where the money is coming from. He could if he would make an inquiry. We had to subpoena the records, but there is transparency. We know where the money is coming from. I haven't had a chance to read his statement in full, but I will no doubt have more to say about it.

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

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

Mr. SPECTER. Mr. President, I have been asked by representatives of leadership to ask unanimous consent that the time be charged equally to both sides. I am reluctant to make that re-

quest in the absence of any Senators representing the Democrats so I will not make it, but I would ask—I have heard from the leader of the Democrats saying it is OK. So I ask unanimous consent that the time under the quorum call be charged equally to both sides.

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

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

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

WAR ON TERROR: PROGRESS AND OUTLOOK

Mr. ALLARD. Mr. President, as the U.S. Senate gets started for the second legislative session of the 109th Congress, I would like to take this opportunity and concentrate our attention on the milestones achieved in the global war on terror and take a look at the road ahead.

Since the attacks of September 11, 2001, we and many others in the international community have been united in our effort to defeat terrorism wherever it has taken hold in the world. September 11 proved without a doubt that a network of extremists preaching hate and oppression were determined to cause our Nation great harm. It is clear these extremists were and continue to be committed to nothing less than the total destruction of our Nation and our way of life. This network of terrorism is embedded in many countries. It has penetrated hard working communities, valued institutions of education, and sacred places of worship.

As in any previous world conflicts, the global war on terror cannot be successfully prosecuted without extensive cooperation of the members of the international community. Given the potential catastrophic consequences of terrorist attacks, President Bush worked with our international partners and allies to identify terrorist networks, reduce their ability to communicate and coordinate their plans, and disrupt attacks before they occur.

With America in the lead, a full scale international campaign began in 2001. A total of 136 countries, including members of the European Union, Russia, Pakistan, Saudi Arabia, Australia, countries of Asia and Africa provided and, in many instances, still continue to provide a range of intelligence and/or military assistance. As a result of this unprecedented multilateral cooperation, we have been able to kill or capture more than one half of the known al Qaida leaders and prevent possible terrorist attacks both in the U.S. and abroad.

Despite the many difficulties in this war, our Nation has not retreated nor walked away in the face of adversity. We sought out terrorists, cut off their funding, and disrupted their plans. Under the steadfast leadership of President Bush our country has taken the battle to the enemy and achieved significant successes.

In October 2001, the coalition forces launched a military campaign against the Taliban regime in Afghanistan. The regime was successfully removed from power and all known al Qaida training camps were destroyed.

With the help from the international community, the people of Afghanistan, many for the first time in the history of their nation, tasted the initial seeds of freedom. Let me pause here for a second. For the first time in history millions of people in Afghanistan are now able to express their opinions without a fear of retribution or punishment.

After several national elections, the people of Afghanistan adopted a new constitution, elected a president and held successful parliamentary elections. Efforts to revitalize Afghanistan's economy and education system have already produced significant results. Agricultural production, which is a way of life for 70 percent of Afghanistan's people, has nearly doubled. New roads are being built. Teachers are being trained and an increasing number of people, including women, have access to education.

Afghanistan was devastated by decades of war and neglect and is now being turned into a young democracy that will be an example to others in the troubled region.

A year after September 11, the President challenged the United Nations to confront another protector of terror: Saddam Hussein. Saddam Hussein failed to comply with more than a dozen of United Nations Security Council resolutions and he gave every appearance of continuing to hide large stockpiles of weapons of mass destruction.

Based on Saddam's reported weapons of mass destruction and support for terrorism, Iraq represented a dangerous nexus that the international community could no longer ignore. President Bush bravely made the decision to liberate Iraq from the most brutal regime in the country's history and plant the seeds of freedom in the land that had only known decades of tyranny and oppression.

It is clear today that the terrorists view Iraq as the major battleground against the coalition forces, against the rule of law, and against peace and prosperity. During the last 2 years they have tried to derail the democratic process and threatened to kill those participating in it. Undeterred, the majority of the Iraqi people have bravely ignored this threat and joined the emerging Iraqi political process.

By the millions, Iraqis lined up to choose a transitional government that

drafted the most democratic constitution in the Arab world. By the millions, Iraqis approved that constitution in a national referendum. And by the millions, Iraqis elected a new Iraqi government under the Iraqi-written constitution for the Iraqi people. Let there be no doubt about it: the establishment of a meaningful political process and lasting democratic institutions will decide Iraq's future.

We can be proud of the fact that each national vote in Iraq has experienced less violence and produced bigger and broader voter turnout. President Bush put it best when he stated:

In all three aspects of our strategy—democracy, security and reconstruction—we are learning from our experiences, and we are fixing what hasn't worked. . . . we have witnessed a transformation in Iraq that is virtually without precedent.

Iraqi security forces continue to show improvements in defending their fellow countrymen. In October of last year, Iraqi police and army personnel secured polling sites around the country, quickly suppressing any incidents of violence.

Growing in size and strength, Iraqi military units have become more capable and able to defend their country's emerging democracy. Today, Iraqi security battalions have assumed control over entire sectors of Iraq. These accomplishments demonstrate the willingness of Iraqis to stand up to insurgents and protect their fellow countrymen. Iraqis are gradually taking over the frontline in defense of their communities.

With each Iraqi soldier trained and equipped to carry out the mission, Iraq draws closer to being able to stand on its own and protect its own freedom.

A free society cannot exist without an independent and impartial judicial system. With slow but steady progress on all fronts, the Iraqi people are carefully building one of the country's most important institutions: its judiciary. With the help from the international community, the Iraqi people have begun the trial of one of the most brutal dictators in history, Saddam Hussein. Although none of Hussein's victims had a luxury of due process, the new Iraqi government decided to adhere to the highest standard of the rule of law and allowed its former dictator to stand trial by his peers.

None of these successes would have been possible if not for the sacrifice of America's finest men and women in uniform. Their pride, patriotism and perseverance have been the deciding factor on the battlefields far away from home. They have answered the call of duty in a noble but difficult task. Some have made the ultimate sacrifice. Their families will always be in our thoughts and prayers. We should honor their lives by defeating the terrorists.

The successful strategy for prosecuting the global war on terror set forth by President Bush is steadily moving forward. The road ahead will require additional sacrifice from Amer-

ica's leaders, members of the military and the American people. We must continue to unite behind our Commander-in-Chief, make the necessary adjustments, and move forward on the path of complete victory. The Global War on Terror demands nothing less.

I yield the floor.

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

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from North Carolina, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. The Senate now stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:18 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BOND).

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2005— MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Chair, in its capacity as a Senator from Missouri, suggests the absence of a quorum. The time will be charged equally.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CARPER. Mr. President, later this afternoon, in fact about 3½ hours, we will gather in the Senate to vote on a motion to proceed to take up and begin debate on legislation that is designed—imperfect legislation but well intended—to ensure that people who have been exposed to asbestos who become sick, whose breathing is impaired from that sickness, will have an opportunity to be compensated for their impairment. As their impairment worsens, if it does, they would be in a position to be compensated further. The legislation also is intended to try to ensure that more money that is paid—if you go by defendants and insurance companies—ends up in the pockets of those victims and of their families.

The question is, Why are we taking this up now? One of the reasons we are taking this up now is because the Supreme Court has been saying, at least since 1997, with Justices including, I believe, Justice Ginsburg and maybe more recently Justice Souter, that the issue of asbestos litigation is one that needs to be resolved by Congress, not

by the Court. It is appropriate that finally we are taking this on.

My own experience and involvement with asbestos litigation reform goes back to 2001, when I was called upon by an old friend who had ended up becoming a CEO of a company I had never heard of called Federal-Mogul. Federal-Mogul is a company headquartered in Michigan that manufactures, among other things, Champion spark plugs and a lot of other products. He had become CEO in 2001 and was in Washington and told me about it. I congratulated him and said good luck, and said if I can be of service, let me know. He called me back in about 6 months. He said: Remember, you said if I could ever be of assistance to let you know. We have a problem at Federal-Mogul. And he came back to explain what it was all about.

Apparently, Federal-Mogul acquired a number of years before, long before my friend became CEO, a British company that had an exposure to asbestos, and because of that exposure, Federal-Mogul was drawn into asbestos litigation lawsuits by folks whose health had been damaged, I believe, by the British subsidiary that I think was owned and sold by Federal-Mogul in a relatively short period of time.

At the time, I took my friend around to meet with the two Senators from Michigan, Senator LEVIN and Senator STABENOW. They were good enough to meet with him. I also took him over to meet with the then-chairman of the Senate Judiciary Committee, PATRICK LEAHY of Vermont, and asked Chairman LEAHY to meet with the CEO from Federal-Mogul. He did. The long and short of it is Federal-Mogul went into bankruptcy. They have come out of bankruptcy, but a lot of the shareholders who owned stock in the company lost a good deal. Folks who had been employees, pensioners who had their money in 401(k) plans, lost a fair amount of their money if it was invested in company stock. The company ended up with fewer employees than it had in the first place.

Along about the same time I had another visit, this from a trial lawyer who represented, and I presume still represents, people who have been exposed to asbestos in their work and have developed a fatal disease called mesothelioma. This attorney came to say that the system, as it existed in either 2001 or 2002, was not working, and the folks he represented who were sick and dying, many who die within a year or so, were not receiving the help they and their families needed—at least not promptly. And a good deal of the monies paid by defendants ended up in the pockets of people such as him, the attorney.

He said people who are sick and dying ought to get the money they need, generously; they should get it now. The folks who have been exposed to asbestos but who are not sick and do not have an impairment should not get anything now and folks such as I,

maybe, should get a little bit less in terms of the moneys paid by defendants to victims.

That was how I was introduced to this issue. I did not come to the Senate to be involved in civil justice reform or particularly asbestos litigation reform, but I did come with a number of core values. I think we all did. Among the core values I brought was to try to figure out what is the right thing to do: Try to treat other people the way I want to be treated, try to use a little bit of common sense.

We have been joined in the Senate by Senator HATCH, who preceded and later succeeded Senator LEAHY as chairman of the Judiciary Committee. He has worked, as has Senator LEAHY, and as has the current chairman, Senator SPECTER of the Judiciary Committee, to try to improve the legislation that was introduced years ago, maybe even before I came here in 2001, initially.

What was originally introduced was not a static use of legislation. It was not the Ten Commandments. It was not carved into stone. It was a legislative proposal. Over time, it has been changed and has been improved and, frankly, I believe it can be improved further. I will talk a little bit about some of the improvements that have been made over time to the earlier legislation and some further changes I would like to see made and would expect to support those changes.

Before I do that, let me back up for a moment and say some Members worked on class action reform legislation which was enacted and signed by the President early last year. Again, Senator HATCH was a leader in that effort. I was involved, to some extent, along with some of my colleagues, including Senators DODD, SCHUMER, and KOHL, among others on our side, working with our colleagues on the Republican side.

The history of class action reform goes back to the 1990s. The idea behind class action reform legislation was to try to come up with a legislative approach to make sure, when little people are harmed by big companies or by small companies—harmed not that they lose their arm, leg or eyesight but harmed in a material way—that those little people have the opportunity to be made whole but, at the same time, to make sure, when the class action lawsuit is filed by a group of people that are drawn into a plaintiff class, the defendants have the opportunity to be defended or have their case heard in a courtroom or before a judge so the defendant, as well as the plaintiff, can be given a fair shake.

That legislation was introduced in the 1990s, reintroduced in subsequent Congresses, debated in committee, voted on in committee, and reported out of committee. Class action literally came to the floor, I think, on at least two occasions where we were unable to get the votes for cloture to end debate and to go on to final debate and passage with an up-or-down vote on the bill.

That process, though, where legislation is introduced, maybe over several Congresses, is debated within the appropriate committees, voted on in those committees, amended in those committees, reported out to the Senate, and debated here, amended here, I call that regular order. That is what we call regular order.

When the final compromise was agreed to on class action, including the bipartisan group I alluded to a few minutes ago, we struck an agreement amongst ourselves, an agreement with the House of Representatives that if we would not amend or change that compromise that we struck on class action, the House would accept our proposal, the House would not change one word. As a result, we, the drafters, if you will, of the final compromise on class action reform opposed, for the most part, all amendments. I think I supported one offered by Senator FEINGOLD. But no amendments were approved. No amendments were attached to the bill. The bill passed with a bipartisan majority and was sent to the House of Representatives. They adopted it lock, stock, and barrel.

What I want to see happen on asbestos litigation legislation is that we proceed with regular order. In fact, we have been proceeding with regular order. But there is a difference between asbestos litigation on the floor and class action on this Senate floor a year or so ago. Here is the difference: There is no agreement amongst the bipartisan group that I talked about earlier to pass an unamended bill. As I said a few moments ago, this is not a perfect bill, it is an imperfect bill, but it is a whole lot better than it was when it started out. In my view, it can be made better still.

I would like to see us soon—we vote today at 6 o'clock on the motion to proceed to the bill. My hope is Democrats and Republicans, a majority of us, 60 or more, will vote to proceed to the bill, to debate the bill, offer amendments, debate those amendments, vote on those amendments, and then to see how the bill takes shape during the course of the debate in the week or so ahead.

Let me mention, briefly, some of the improvements that have been made in the bill over what was introduced maybe back in the late 1990s or the earlier part of this decade.

First of all, serious questions were raised, and are still raised, about the size of the trust fund that will be created. Moneys paid into it by defendant companies, roughly \$90 billion; by insurers, about \$46 billion; by trust funds and others, \$4 billion—adding up to, roughly, about \$140 billion. That is almost 50 percent more in the trust fund than I think was originally anticipated just a few years ago. So I would suggest one of the improvements that has been made in this bill is just the adequacy of the trust fund.

There is a second thing that I would suggest has been an improvement made

in this bill over maybe an earlier version. Now, \$140 billion is a lot of money, but there is a history of the trust funds set up to help asbestos victims, there is a history of them, in some cases, running out of money. So what happens if we have a trust fund that is set up where everybody who, in the future, wants to file a claim has to go to the trust fund for an administrative solution and the fund runs out of money? What do we do then?

What we do then is really take the path suggested by Senator DIANNE FEINSTEIN of California. In anticipation of just that kind of problem down the road, she offered language, which was adopted and made part of this bill, which says if the trust fund runs out of money at some point down the line and it does not look as if we are going to have enough money in the trust fund any time soon to pay victims' claims, then those victims can return to the tort system. They can go back into court in the State in which they live. They can go back into court in the State where they were injured. Or they can go back into the tort system in Federal courts.

Another area where I think improvement has been made deals with folks who have been injured, where they have been receiving workers' compensation, and now they will, in the coming months or years—if we establish this fund—have the opportunity to file a claim with the asbestos trust fund. The question was: Well, can a person receive money out of the trust fund and also have received previously workers' comp or currently receive workers' compensation funds? Or do they have to pay that back somehow out of the money they receive from the trust fund?

I think the authors of the bill, wisely, and the committee, wisely, said no. If the person is receiving workers' comp from a separate source of funds, they can keep that. It does not have to be reclaimed or repaid. And the claimant, the victim, can then also receive the moneys from the trust fund that we would set up, establish under this legislation.

If you look at the legislation, a fourth improvement deals with something called medical monitoring. But if you look at the legislation, there are a number of levels of impairment, starting with level I, and I think going up to level IX. And there may be some various gradations within each of those levels.

Level I is something called medical monitoring. It has been a matter of some contention. Some of the companies, some of the defendants, some of the insurance companies were very skittish and reluctant, understandably so, given the history of some of the ways people were recruited to file some, not all but some, asbestos claims in the past. They were concerned the medical monitoring might be an effort to recruit all kinds of people to file claims on the trust fund.

But medical monitoring is included as level I for impairment. And level I means a person has been exposed to asbestos—maybe in their work or another part of their environment—but they do not have an impairment, there is no discernible impairment that we can attribute to asbestos. But by establishing medical monitoring, what we say to those who have been exposed, who do not have an impairment, at least we acknowledge you could have a problem down the road, and we are going to provide, every year or two, for the opportunity for someone—a health professional who really does know their business—to examine that victim and see whether any impairment has developed. If so, they can go through other levels and become eligible for sums of money, from several tens of thousands of dollars to over \$1 million in the worst cases.

A fifth improvement I think has been made deals with what are called exigent claims. Those are claims filed traditionally by people who have mesothelioma, the disease I talked about earlier, caused by asbestos, solely by asbestos exposure. We know mesothelioma victims, folks, are going to die, unfortunately, and not a pleasant death, and die fairly soon, generally within less than a year.

For exigent claims like that, or other people who are believed by doctors to be in a terminal situation where their lifespan is less than a year, those claims, under this improved version of the bill, will be treated on an expedited basis. I believe that is an improvement.

There are other improvements. I mention one: silica claims. There are mixed death claims that are not just asbestos. They might be silica. A good thing that happened last year during the course of the committee's hearings is they brought in medical experts and actually talked to them and listened to the medical experts talk about: What do the x rays look like for people who have been exposed to asbestos as opposed to those who have been exposed to silica?

We know people can die from both, do die from both. But as it turns out, if we establish an asbestos trust fund, and someone has been exposed maybe to asbestos but does not have the markings from asbestos, and someone has been exposed to silica, and they have the impairment that relates to silica, can they come to the trust fund and be made whole out of the asbestos trust fund? The answer is no. The silica victims are welcome to go back into the tort system, to stay in the tort system. Again, there is apparently a real difference in the appearance of the x rays of the lungs of people who have been exposed to asbestos who have asbestosis and those who have lung disease that has been caused by silica.

Those are some of the improvements that have been made to the bill. I want to mention maybe one or two others that I think ought to be made and have been drawn to my attention, and I sus-

pect to most of our colleagues' attention as well.

One deals with the startup provisions and the steps we need to take to help ensure the trust fund is set up and running quickly and efficiently. We are on a tight time period, a tight timeframe. There is a whole lot of work that is going to be done that we have not done, at least not with asbestos. It is going to be a real challenge to the Department of Labor getting the right people to run this operation and assembling the money quickly and putting in place a system that is user friendly and will actually provide relief to a lot of victims.

I believe there are some further steps we will debate on the floor and, hopefully, be able to adopt.

Some folks from the insurance industry have shared with me, and I am sure shared with others, the concern they have about potential leakage issues, as people file claims in the tort system for alleging impairment of breathing from exposure to asbestos. And the question is, At what point do we say to the victim, to the plaintiff, you have to go into the trust fund or you may continue through the tort system? There are concerns raised by the insurance industry that we, frankly, have not done the kind of job that needs to be done with respect to what they call leakage in the system. That is one we want to revisit and consider.

I am not an attorney. We all know people who are. I have a concern, and I know it is a concern shared by others, that if we cap it at 5 percent, the amount of money that can go to an attorney, in some cases that is adequate. This is a system that is not designed to, frankly, need a whole lot of assistance. And, hopefully, some people will be able to go through this system and apply for money from the trust fund and receive their claim, their payment without the assistance of an attorney or anybody else.

But in some cases you are going to have an attorney who has worked for not just months but maybe a couple of years to help prepare a case to be heard in a court, only to find that before they could actually bring the case to a judge and jury and have a verdict, they are cut off because of the establishment of this trust fund. In that case, where you may have had attorneys work for months or a couple years, to say that person can only receive a 5-percent payment out of the payment from the fund, I think, is just unfair.

Again, it goes back to one of my core values I talked about earlier: treat other people the way we want to be treated. If I were the attorney and I had actually done work for a couple of years, I would want to be paid more than 5 percent of, say, a million dollars for the work I had done. Attorneys today, not uncommonly, get 25, 30, 35, 40 percent in attorney's fees for the work they do in conjunction with these victims. I am not suggesting we have those kinds of payments to attorneys,

but I would suggest maybe the better part of valor is to say that the attorneys could receive 5 percent, and in cases where they have done work give the administrator of the fund the discretion to provide something in addition, something on top of, above the 5-percent cap—at the discretion of the administrator. And maybe we want to cap it at 20 percent or something like that. But I would suggest that is a fair thing to do and a just thing to do, particularly where an attorney has done a great deal of work.

Let me close by saying this. I came here, like I think all my colleagues, because I wanted to get things done. I want to right wrongs and try to help people as best we can. Sometimes it is best for people who are hurt to take those grievances to the courts, and to address, through the judicial system, the wrongs they believe they have incurred. The highest Court in our land, the Supreme Court, has said on several occasions in the last decade, we have a problem with asbestos litigation that needs the attention of the Congress and the President and we should try to improve on a situation that is flawed.

I am an old Navy guy and spent a number of years of my life as a naval officer, and not as much time on ships. I spent a little time on ships. I know a lot of folks served in the military—and a lot of them were in the Navy who served on ships—who were exposed to asbestos, had their breathing impaired, and, in a number of cases, died.

They are not in a position to go into court and sue the Federal Government to be made whole. They can get some help through the VA system, and they have, but they are not in a position to receive the kind of payments and recovery of damages that others have been able to in the courts because private sector employers have been sued as defendants by victims, and those victims cannot sue the Federal Government. Under this legislation, a veteran from any part of the armed services who is precluded from receiving much in the way of damages will now have the opportunity to go into the same trust fund and apply for the same dollar payments that any other person who has been injured could apply for. As a veteran, that is especially noteworthy. It goes a long way to explaining why so many veterans groups strongly support this legislation.

Again, what is our goal? Our goal is to try to make sure that when people have been exposed to asbestos for an extended period of time, when their health has been damaged, that they have an opportunity to receive some compensation for that harm, to try to do so in a way that is prompt and where the amounts of money they can receive actually vary from fairly modest, when the impairment is slight, to rather substantial when the impairment is substantial or maybe life threatening. We want to do this in a way where we put more money in the pockets of victims and their families

and in a way that acknowledges the work that is done by attorneys when they have done a considerable amount of work in preparing for a case that then ends up in the trust fund.

Is this bill perfect as it comes to us today? We have been joined on the floor by the chairman of the committee. I thank him and those with whom he serves, certainly Senator LEAHY. I also want to say a word about Judge Becker, former chief judge of the Third Circuit, who has worked very hard as a mediator to try to help us get to a better place with this legislation. I have met a lot of people in my life, but here is a man who suffers from very serious health problems himself. He has non-Hodgkins lymphoma and is in his early seventies. He travels from Philadelphia on the train, pays for his own way. When he spends a night here, he stays in a hotel and pays his own way. He pays for his own meals. He does all this work because he believes it is the right thing to do—and it is.

For all who have been working on this for a lot longer than I have to get us to this point in time, we need to vote at 6 o'clock to proceed to the bill, debate it, change the parts we think need to be changed, and go forth from there.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Utah.

Mr. HATCH. I thank my colleague for his remarks on this bill, for his comments on Senators SPECTER and LEAHY, and for his willingness to invoke cloture this afternoon. We need to proceed to this bill and debate it in on the Senate floor. It is that important.

Before proceeding with my remarks, I would like to reserve 15 minutes for my colleague from Ohio, Senator DEWINE.

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

Mr. HATCH. Mr. President, I rise to speak in favor of S. 862, the bipartisan Fairness in Asbestos Injury Resolution Act. More specifically, I rise in favor of debating S. 852. It is a bill worth our time.

The crisis of asbestos exposure impacts not only the lives of sick and dying workers and retirees, but also the lives of workers in every corner of the American economy. The litigation that these workplace injuries spawned now threatens to deprive the workers who need compensation for their injuries of their due rewards, while crushing businesses large and small in every State.

I find it surprising that there are those in those body who do not wish to address our Nation's asbestos crisis. They do not even want to have this debate. So they are filibustering even a motion to proceed to the bill. It is funny how things change. This summer, when some of the Members of this body were filibustering judicial nominations, we were told that the filibuster was a privilege central to the Senate's deliberative character. The

right to speak and debate had to be preserved. But through this filibuster, they do not seek to promote debate. They are seeking to prevent it. For the life of me, I do not fully understand this type of reasoning.

The public health calamity caused by occupational exposure to asbestos is something that we should be debating. It is precisely the type of situation that cries out for comprehensive bipartisan legislation. For what it is worth, it is precisely the type of well-documented crisis that I would expect my colleagues to want to talk about. Instead this filibuster shows that they would rather close their eyes to this crisis.

The consequences of asbestos exposure are tragic and well-documented. It has devastated the families of hard-working American men and women. And it is not an equal opportunity hazard. It frequently targets veterans. It targets those who took their lunch to work, who gave a full day's work for a full day's pay, and who came home with dirt under their fingernails.

Each and every year 10,000 individuals will die from mesothelioma, a cancer closely linked to asbestos exposure. Ten thousand moms and dads and grandparents. Think about it. And because of the asbestos fibers they would bring home from work, sometimes even the spouses and children of these workers become sick. Thousands and thousands more will be afflicted with debilitating lung conditions that make it hard to breathe, sapping the joy from what should be a person's golden years.

This is a public health crisis of the highest magnitude. And this public health crisis is made more pressing by a related litigation crisis. Nobody in this body believes, especially those of us who support this bill, that individuals who become sick as a result of asbestos exposure should be denied compensation. Let me be clear about this. They are owed compensation. Here is the problem: Who is supposed to pay? Most of the companies that originally produced this stuff have long since gone out of business or have been put out of business. They now exist in bankruptcy merely to pay out claims to the extent that they can, which amounts to a very small number of pennies on a dollar.

What are the victims actually getting from their settlement? Pennies on the dollar. The actual damage done by exposure to these fibers might be worth hundreds of thousands of dollars, but most people will never see that money, money that could go to pay medical bills or take care of loved ones, because the companies do not have the money to pay the number of claims.

Of course, this has not proven to be an obstacle to the innovative trial bar. These attorneys are going after corporations, not surprisingly ones with very deep pockets that have inherited their asbestos liabilities by acquiring companies that once produced or used asbestos. I remember one company in

particular that acquired another company for \$10 million. They have paid well over \$100 million out in asbestos-related claims because of that acquisition.

So not content with a public health crisis, a group of committed attorneys have set out to bankrupt some of our Nation's greatest companies, creating an economic crisis as well. And many of them have only had some collateral relationship with asbestos.

Playing fast and loose with the actual exposure of their clients, there has been an explosion of litigation in recent years. As a result, at least 73 companies have had to declare bankruptcy due to their asbestos-related liabilities.

Do those who have actually been harmed by asbestos benefit by this litigation? No. They wind up in years of litigation only to find that they get a mere 42 cents out of every dollar. By the time the attorneys take their fees and add on transaction costs, the poor person who has been injured gets only 42 cents out of every dollar recovered.

The status quo does not do justice to those injured by asbestos exposure. I am a conservative. I do not believe the Federal Government should attempt to fix every social or economic problem faced by the country. However, there are certain crises, because of their size, because of the number of persons impacted, and because of their detrimental impact on the American economy, that call out for national legislation. This is just such a bill.

Asbestos exposure has caused a far-reaching public health disaster of the highest order, one that is now compounded by an unprecedented litigation crisis. I am hardly alone in thinking this. The Supreme Court of the United States has called on Congress on three separate occasions to address this particular problem. In 1999, the Justices told the Nation that "the elephantine mass of asbestos cases . . . defies customary judicial administration and calls for national legislation." So we answered the call.

We are hardly springing this bill on the Senate. We have been debating a solution to the asbestos crisis since the 107th Congress. This is the 109th Congress. When I was chairman of the Judiciary Committee, we held hearing after hearing. We had weeks of mark-ups. We did our best to achieve some sort of compromise. Yet when it came time to debate this bill on the floor, it was filibustered. The Senate was prevented from giving its final up-or-down vote. That was April of 2004.

Then we heard the bill was not ready for prime time. We were rushing the issue, jamming the opposition. We have not considered the issues carefully enough, they said. If only we had more time.

Not it is almost 2 years later. The chairman of the Judiciary Committee, my colleague from Pennsylvania, Senator SPECTER, has again held hearing after hearing. Again, we have had week after week of mark-ups. He and his staff

have been tireless and fair in their negotiations. Judge Becker, a federal judge on the Third Circuit Court of Appeals, has worked to craft a solution.

Over the last 3 years, there have been 36 meetings hosted by the chairman where any group, including labor unions, trial lawyers, and any other interested parties, was welcome. And those efforts have borne fruit. Most notably my colleague from Vermont, ranking member of the committee, came to support this bill. We work a good deal on intellectual property issues together, but this bill is a different animal. This is a bill that impacts the rights of workers and the rights of the sick. On those types of issues, there is, unfortunately, not enough bipartisanship around here.

The fact that the distinguished Senator from Vermont, Mr. LEAHY, is a cosponsor of this bill is very important. It is a testament to both the scope of the problem it addresses and the depth of good faith compromises that have been made along the way.

There are many criticisms made about this bill. Some have suggested that even debating it demonstrates the triumph of corruption. I wonder what their colleagues from Vermont, California, and Montana think about that? All this time they thought they were working to make this a better bill. As it turns out, they were just tools of the special interests. Give me a break.

I will tell you who the special interests are in this debate. They are the law firms that specialize in much of the bogus asbestos litigation that is driving this crisis. They are the lawyers who file suits for people who are not sick, just hoping that some company will decide to settle rather than go to court. They are the lawyers who promise the truly sick a jackpot but give them instead years of litigation and then take for themselves fully 60 percent of any settlement. I would call it "jackpot justice." But for the workers impacted by asbestos exposure, there is no jackpot, and this sure is not justice.

These lawyers have gotten rich litigating these cases.

They do not like the prospect for reform. Why not? Because it is going to turn off the golden spigot. It will create an easy, no-fault, and quick administrative process that will enable those made sick by asbestos to obtain compensation without the middle man.

In other words, if this bill becomes law, these lawyers are going to have to find some other industry to bilk. The other side of this debate should take a good, long look in the mirror before going down the road of accusing the bill's supporters of promoting special interest legislation.

In addition, it is beyond ridiculous to suggest, as we heard yesterday from opponents, that this bill is being rushed. That is absolutely ridiculous. How is it that a bill that was debated on the floor nearly 2 years ago, reported favorably out of the Judiciary

Committee twice—on a bipartisan basis this time—and was subject to countless amendments is somehow not even ready for debate today?

We have been at this for years. This bill addresses a recognized public health tragedy. Yet it is not even worthy of debate on the Senate floor?

For those not steeped in Senate procedure, it is worth noting what is being suggested by this objection to the motion to proceed.

When a bill is filibustered after hours and even days of debate in order to prevent a vote on final passage, the message sent is that there has not been enough debate. The issues are so difficult and complex that more debate is required before this body could responsibly move to final passage.

Filibusters are not always justified, but they are sometimes understandable. When you filibuster a motion to proceed, you are saying this bill is not even worthy of a debate on the floor. This is an insult. I know this is not a perfect bill. Few bills are. The FAIR Act, however, is most certainly a bill worthy of debate.

We have a limited number of days in any given year to do the people's business. We only take up bills on the floor when there is a pressing public need. And in the opinion of not only the majority leader but the Republican caucus and even some Democrats, this is a bill worthy of our attention and time. Frankly, it is ludicrous to suggest otherwise.

Nineteen members of the Senate have cosponsored this legislation. It is supported by the chairman and ranking member of the Judiciary Committee. It has bipartisan support. I do not think there is a person in this body who doubts the severity of the problems it is designed to address. So something must be done. This bill is a sound and reasonable attempt to do something to help these sick workers get the compensation they deserve.

The asbestos trust fund created through this legislation deserves a debate. I urge my colleagues to vote for cloture on the motion to proceed and to give this bill the attention it is owed.

Mr. President, this is an important bill. I pay tribute to Senators SPECTER and LEAHY for the work they have done in committee and in bringing this bill to the floor. They deserve accolades from everybody in this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I come to the Chamber this afternoon to support the asbestos reform bill, S. 852. This bill is simply about helping victims. It is about doing the right thing for extremely sick individuals. It is about doing the right thing for very sick people by compensating them quickly and fairly.

As we know, this bill addresses the asbestos litigation crisis by removing most cases from the court system and

paying claims from a national trust fund, using money contributed by company defendants and insurance companies.

Let me say up front that removing cases from our court system is not something we should ever do lightly. Our civil justice system usually works well. Our State and Federal courts are a vital part of our system of government. That is where cases should normally be. Our court system, as a rule, ensures a level of fairness and justice for our citizens that is second to none, and I don't like removing cases from that system.

But our justice system is not perfect. Unfortunately, we all know that our justice system, in this case, has failed to deal with the asbestos crisis. The system is not adequately protecting the rights of victims, nor is it adequately protecting the rights of defendants. In fact, the system has been overwhelmed by asbestos litigation.

The numbers tell the story. The sheer volume of claims is staggering. More than 750,000 individuals have made claims for asbestos exposure, and approximately 300,000 of those claims are still pending. The most recent Rand study estimates that anywhere between 2.5 million and 3.3 million individuals could make claims in the future.

Part of the problem is the unusual nature of the illnesses caused by exposure to asbestos. Specifically, there is a long latency period between exposure to asbestos and the actual illness or impairment. In other words, people can be exposed to asbestos for long periods of time but usually don't show symptoms of illness for 25 or 30 years. Not everybody exposed to asbestos gets sick, but our tort system requires a potential victim to file a claim for injury within a year or two of discovering the potential harm. So a vast majority of people who are filing claims are not actually sick at that time, and many may not ever get sick, but to protect their legal rights, they file suit.

This enormous volume of lawsuits—again, many from people who are not ill at that time—crowds court dockets, slows the decisionmaking on claims from those who are sick, and imposes huge costs on defendants. As more and more defendants are pushed toward bankruptcy, actual payments to victims are diminished.

Perversely, the process creates a greater incentive to sue immediately because 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. This increases the problem, and the cycle of excessive litigation and decreasing payments to victims continues.

As a result, justice is not being served. Many victims wind up with no one to sue and receive pennies on the dollar for their claims from asbestos bankruptcy trusts. That is not right. That is not just. That is not fair to

these victims. We have to do something about that. On the other extreme, a few victims receive huge awards or settlements that are, frankly, sometimes out of proportion to their injuries.

The bottom line is that very few people are compensated fairly, and more and more victims face a risk of never being compensated at all for asbestos-related illnesses. It is our responsibility in the Senate to deal with this crisis. We simply must not wait any longer to act. We must take steps to help the victims of asbestos exposure, and the bill we have in front of us today does just that.

There is another critical problem we have to address with regard to asbestos, and that is the issue of jobs. Not only is the current mass of litigation hurting victims, but it is also causing tremendous problems for the business community and, subsequently, of course, for the creation and retention of jobs, which hurts workers. As more and more businesses are drawn into this endless cycle of litigation, more and more money is being spent on legal fees. These costs, and the uncertainty that engulfs these businesses, make it harder to invest in improving their companies and creating new jobs. In fact, asbestos liability is actually bankrupting many potential defendants. It has gotten to the point where claims are now being brought against businesses that have a very remote connection with the manufacture of asbestos. So the impact of asbestos claims today is simply overwhelming—not just to some of our Nation's largest companies but to our small businesses as well.

This is not just some abstract or academic problem. When businesses are harmed, workers are harmed, too. Tens of thousands of workers—real people employed by these businesses—are today being affected. Many employees and their families—people who never had any exposure to asbestos at all—are feeling the effects in lost wages, lost jobs, and diminished pensions.

The impact in my home State of Ohio is particularly severe. Ohio is one of the top States in which asbestos litigants choose to file their suits. In fact, literally thousands of companies have been named as defendants in Ohio courts. Out of the more than 8,000 firms that have been named as defendants nationwide, over 7,000 of these businesses have been named in cases filed in Ohio. Of the almost 80 companies that have filed bankruptcy because of asbestos-related liability, more than 20 of those companies are headquartered or have significant facilities in the State of Ohio.

Let me be clear: I believe companies should be held accountable for their conduct. That is a basic principle of American jurisprudence. But most of the companies that manufacture asbestos are today now bankrupt. The legal system already has decided their liability, and they are paying their liability through asbestos trusts.

I am concerned, however, about the many companies that now find themselves held responsible for the actions of other companies. These companies have little to do with asbestos production or use, but they employ thousands of people who contribute to our economy and to our tax base. No one, including the victims of asbestos, is helped when these companies are punished.

I believe it is clear, bluntly, that we have a legal disaster—yes, a disaster—on our hands. The court system is clogged with claims by people who are not ill and may never get ill, and victims who are ill must wait a long time for sometimes very little compensation. Employers are at risk even when they have had little to do with asbestos, and their current employees and retired workers as well are paying the price.

Anyone who looks at this honestly has to conclude that the current system does not work for anyone involved. In fact, the Supreme Court on three separate occasions has called for a national solution, has called on Congress to take a look at this issue.

We have to do something about this crisis. We need to protect the rights of victims, and we need to provide business—the group of businesses which will provide compensation to those victims—with some way to predict how much this crisis will cost so they can plan for it and figure out a way to stay in business while they pay for it. The FAIR Act—this bill—provides that needed protection to victims and provides that needed predictability to businesses so they can continue to provide for their employees and retirees.

We know, of course, that no bill is perfect. This bill is not perfect. Many people believe it must be amended. As a matter of fact, I have heard from a number of Ohio companies that they are not happy about some of the provisions in this bill. Not surprisingly, some think the bill goes too far and some think it doesn't go far enough. We have spent a great deal of time discussing and modifying this bill over the years. I believe it has improved the process. During this whole process, I think we have simply improved it as a result of the work that has been conducted in the Judiciary Committee.

As we debate this bill in the Senate, I plan to work with Chairman SPECTER and many others to make some additional refinements to the bill. It truly is a work in progress. But the bottom line is that we must move forward and we must move forward now. The status quo is simply not acceptable. It is not fair to the victims, and it is not fair to the companies.

We all know this bill is not perfect and, in fact, this issue is so complicated that no bill could ever be perfect. But the bill we have before us is far better than the current situation. We must move forward.

I would like to conclude my remarks with a story that illustrates why we

need to vote for this legislation. A fellow Ohioan came to my office recently and explained that he is very ill from asbestos exposure. He has retained a lawyer and has a trial date scheduled. He was worried that this bill would remove his ability to sue without giving him enough compensation to take care of his family and provide for their future and not give him the compensation he deserves.

After discussing the details of his case and explaining how the FAIR Act would apply to him, it was clear that the bill, if enacted, would likely provide him with more money much more quickly than he likely will get if he pursues his claim in court, although, of course, litigation is notoriously difficult to predict. Even though this Ohioan still has a difficult road to walk in dealing with his illness, he is now reassured that this bill, if it becomes law, will provide his family with hope for the future and provide him with some just compensation.

Nothing can ever be fair. Nothing can ever provide a victim with what would be considered just, but I think he was assured and felt better after my staff was able to discuss this bill with him, and the details of it.

As I have said, this bill is not perfect, but it will help the victims of this asbestos crisis. It will help the real people most at risk, and it will help save countless jobs. That is why I am supporting it. It simply is the right thing to do.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to speak on the asbestos bill and to indicate my support for the cloture motion which will be voted on at 6 o'clock this afternoon.

For over 15 years now, believe it or not, the U.S. Supreme Court has repeatedly urged Congress to create a solution to this asbestos crisis. In 1997, in a case called *Amchen Products v. Windsor*, Justice Ginsburg wrote this:

The argument is sensibly made that a nationwide administrative claims processing regime would provide the most secure, fair, and efficient means of compensating victims of asbestos exposure.

This is exactly what we are trying to do in this effort. It is true it is not easy to do. It is true it has taken many years of hearings in the Judiciary Committee, and it is true efforts to draft this legislation have been ongoing for many years, but I would like to take this opportunity to commend the chairman and ranking member of our committee, Senator SPECTER and Senator LEAHY, for their tireless efforts to develop a true bipartisan compromise, and I know it hasn't been easy.

Before discussing the specifics of this legislation, I think it is important to remember what has brought us here and why so many of us have spent hundreds of hours working through the complex issues in trying to develop a

no-fault administrative solution. As has been stated, the pivotal question before this body is, Will a victim be better off in a trust fund, or will they be better off in the tort system? I believe that overall a victim will be better off in this trust fund.

Up to this point, more than 70 American companies have filed for bankruptcy caused by asbestos liability. This has cost the American economy up to 60,000 jobs. Each displaced worker from a bankrupt company will lose on average an estimated \$25,000 to \$50,000 in wages over his or her career because of periods of unemployment and the likelihood of having to take a new job paying a lower salary.

This impact is not limited to workers who lose their jobs. For the workers who are able to keep their jobs at these companies, they can expect an average 25-percent reduction in the value of their pensions. And for every 10 jobs lost to an asbestos bankruptcy, a community will lose 8 additional jobs.

At least four companies headquartered in my home State of California have been bankrupted from asbestos lawsuits. Additionally, 41 companies with current or former operations in California have been sued or are currently facing lawsuits. They include: Allwood Door Company; Ashland; Atlas Corporation; Bechtel; Bethlehem Steel; California Portland Cement Company; Celotex; Dow Chemical; Exxon Mobil; Federal Mogul; Flintkote; Gencorp; Georgia Pacific; Goodrich Aerospace; Hill Brothers Chemical Company; Honeywell; Jacuzzi Brands; JM A/C Pipe Corporation; Kaiser Cement; Kelly Moore Paint; Metalclad Insulation; National Gypsum; National Steel and Shipbuilding Company; Norton and Sons of California; Occidental Petroleum; Owens-Illinois California Container; Owens Corning Fiberglas; Pacific Gas and Electric; Pittsburgh Corning; Plant Insulation Company; Polyone; Raymark Industries; Reinhold Industries; RPM; The Scotts Company; Southern California Edison Company; Todd Shipyards; Tyler Pipe Industries; Walter Industries; Unocal; U.S. Gypsum; and Viacom.

One of those companies, Celotex, had three plants and two regional sales offices in California. In 1987, Celotex employed 325 people there, with a payroll of \$7 million. They were forced into bankruptcy and today they operate in the United Kingdom. This is one impact of what has been happening.

According to a study done by the RAND Institute for Civil Justice, in 1980, 300 companies were being sued for asbestos claims. This grew so much that by 2002, 8,400 companies had been named as defendants.

RAND also concluded that litigation has spread beyond the asbestos and building products industries to the point that companies now being sued cover 75 out of 83 different types of industries in the United States. And, just through 2002, \$70 billion had been paid out to 730,000 personal injury claims.

So again, the question is whether a victim is better off in a no-fault trust where they automatically recover if they meet the criteria or in the tort system with high transaction costs that often eat up 50 to 60 percent of a judgment.

It is true that bankruptcies have tragic consequences, not just for the businesses, but also for their employees who lose their jobs, lose their savings, and for the victims whose settlements are frequently reduced even more by bankruptcy trusts until they are receiving pennies on the dollar.

I think the most startling and most egregious example of the asbestos tragedy is what occurred in Libby, MT. Candidly, this is what put it on my radar screen big time. This small community has been devastated because of the callous and potentially criminal actions of one company, W.R. Grace.

The asbestos found in Libby, MT, tremolite asbestos, has demonstrated an unusually high level of toxicity, as compared with chrysotile asbestos. Diseases contracted from tremolite asbestos are unique and they are highly progressive, which means they move quickly. So far 192 residents from this small community have died and 1,400 are suffering from asbestos-related diseases.

In addition, W.R. Grace not only sent its workers into the earth to mine asbestos without proper protection, it also pumped asbestos out of its factory and into the community of Libby. W.R. Grace provided asbestos materials to high schools and parks. It even put out piles for children to play in. For decades, there was an unprecedented 24-hour-per-day contamination of this community.

Based on this and other actions, a Federal grand jury in February of last year indicted W.R. Grace on multiple criminal counts. The indictment charges that W.R. Grace was aware of several studies that demonstrated the dangers of asbestos exposure and concealed this information from the people of Libby and from the Environmental Protection Agency. The prosecutor is quoted in the press as saying W.R. Grace's treatment of workers and residents is "a human and environmental tragedy."

Sadly, while the situation in Libby is extraordinarily unique and our legislation recognizes this, the harm caused by asbestos is far reaching.

In California, we have had shipments of asbestos from Libby in 35 locations. Our shipyards became hotspots for asbestos-related diseases because the shipping industry used asbestos to insulate boilers, steam pipes, hot water pipes, and incinerators. In fact, according to the data compiled from the National Center for Health Statistics, between 1979 and 2002, 4,618 Californians died because of asbestos-related diseases.

Statistics do not adequately tell the full story of this tragedy. The day after Father's Day in 2003, Alan Reinstein of

Redondo Beach, CA, first learned about the devastating effect asbestos can have. After months of ineffective and inaccurate testing to diagnose his health problems that Mr. Reinstein was experiencing in his lungs, doctors finally determined that he was suffering from mesothelioma. Mesothelioma is a debilitating and aggressive form of cancer that has been directly linked to asbestos exposure.

After learning the correct diagnosis, Mr. Reinstein had to have major surgery to remove his left lung, his diaphragm, and the lining around his heart. The surgery to save his life was so extensive it nearly killed him. He and his wife Linda today face his continued health problems from mesothelioma. As a matter of fact, he is a very rare case and the only person I know of who has survived for more than 1 year with mesothelioma.

Billy Speicher from Ontario, CA, spoke of his experience with mesothelioma before the Judiciary Committee around this time last year. He discussed how he was exposed to asbestos while serving as an aircraft mechanic for the Marine Corps in the late 1950s and again as a pipefitter from 1965 to 1999. He stated that in his jobs:

Asbestos was everywhere. It was all over me and all over everyone who worked near me . . . At first the doctors I was seeing for two years kept telling me I had asthma—even though I had CAT scans that showed my lungs were scarred. But finally the fluid built up so much in my lungs they realized I had mesothelioma.

Now I'm living with a lot of pain—and I can barely get my breath. [I] can't hardly sleep at night either. You know that mesothelioma is a death sentence.

These stories illustrate the personal tragedies asbestos has caused. Unfortunately, these two men are not alone. So the question is what to do, and many people think: Just leave it up to the tort system. I looked at that. But then you also hear cases of people who receive pennies on their judgment, and the question arises, Is it not possible to protect victims and not bankrupt companies and have a no-fault system whereby medical people can make the judgments and people can be paid a fair sum? That is what this legislation is all about.

Compromises have been made. What I have tried to do, on the Judiciary Committee, is ensure that there are strong provisions in place to protect individuals who were struck with terminal asbestos-related diseases.

There are some important provisions that I would like to highlight. The bill we are now considering contains higher awards values for victims than the version that was before the Senate in the 108th Congress. A broader definition of asbestos has been included to address the potential threat of naturally occurring asbestos that has been discovered in California and other parts of the country.

During the startup period, the bill incorporates a process so mesothelioma victims and other terminally ill victims will have their claims resolved

and paid within 9 months or else they will be allowed to take their case to court. So either they get prompt payment or they can go to court. I have insisted on that. Thanks to Senator SPECTER and Senator LEAHY, that is in the bill.

The committee also adopted an amendment that provides accelerated payments for terminally ill victims so they can get their awards quickly, once the fund becomes operational. The bill protects cases that have a verdict, final judgment, or final order issued by a trial court and cases in trial or those that have an enforceable settlement so that victims who have had their claims resolved are not suddenly uprooted.

And this legislation prevents subrogation of awards, ensuring that victims' awards cannot be reduced.

As everybody has said, this bill is not perfect. However, given the current state, I think it is an important solution to help provide relief to both victims and businesses. My understanding is that the chairman will have a managers' package that will further clarify and make improvements to the bill as well. I urge my colleagues to look carefully at that managers' package because many improvements have in fact been made.

During this huge undertaking, there have been many concerns raised and criticisms levied against the bill. At every step, Senators SPECTER and LEAHY have attempted to address any flaws or ambiguities. This has not been a "take it or leave it" piece of legislation. I know of no chairman or ranking member who have been more receptive to looking at changes and evaluating them.

Several concerns have been expressed regarding how quickly money will come into the fund and whether the trust fund will be able to process the immediate flood of claims that are currently pending in court. The so-called upfront funding has been increased throughout the process, so now the fund will have \$42 billion in the first 5 years to pay claims. In addition, the committee adopted an amendment to speed up the initial contributions by insurers, defendant companies, and bankruptcy trusts so that the administrator can pay claims quickly.

The bill also provides the administrator of the trust fund with borrowing authority, so if the upfront funding of \$42 billion proves to be inadequate, he or she may borrow funds to cover any shortfall.

Next, the bill includes a streamlined process to settle claims of terminally ill individuals immediately upon enactment of the legislation. This provision ensures that terminally ill individuals will have their claims processed quickly, and it should resolve some of the most pressing claims before the trust is up and running so there would not be an overwhelming flood of claims filed with the trust on day one.

Finally, Senator SPECTER included language in the statute of limitations

to give individuals sufficient time to file their claims—5 years—so there will not be a need to rush to the fund for fear of being cut off.

Another concern that has been expressed, and I want to address it, is that the legislation will harm small businesses by requiring payments to the fund that are well beyond the means of these small businesses. Under this bill, small businesses, as defined under section 3 of the Small Business Act, are explicitly exempt from having to contribute to the fund.

Let me repeat that. Under this bill, small businesses, as defined under section 3 of the Small Business Act, are explicitly exempt from having to contribute to the fund. At the same time, these companies will receive the protections provided under the legislation. They don't have to contribute, and they will receive the protections provided under the legislation—meaning they cannot be sued.

For example, manufacturing companies that have fewer than 500 employees will qualify as a small business. Some categories of manufacturing, including chemical manufacturing, will qualify if they have fewer than 750 employees.

It is also important to remember that companies are only required to pay if they have already expended money on asbestos claims. They only pay if they have already expended money on asbestos claims. Smaller companies that had not incurred asbestos liability-related costs of \$1 million or more before December 31, 2002, are exempt from having to contribute to the fund.

In addition, for those companies which are not exempt from having to contribute to the fund, the bill tiers companies by size and amount of liability. The current tort system provides no protections for small businesses and allows any company of any size, no matter how small, to be sued into bankruptcy.

Another argument made against the bill is that there is inadequate funding to cover all future asbestos claims. Trying to project how many individuals will make claims is clearly an inexact science—if you can each call it a "science." Even the Manville Trust, an almost 20-year-old trust that was created after the bankruptcy filing of the Johns-Manville Corporation, has had to alter its projections time and time again. Since we do not know how many people have been exposed to asbestos and, of those, who will develop a disease, we must rely on protections based on sound calculations and real-world experiences of other trust funds. The size of the fund is based on the strongest statistical data and economic models available. A leading actuary with Tillinghast-Towers Perrin testified before the committee on June 4, 2003, that "\$108 billion appears to be more than adequate," while RAND Corporation estimates the remaining future cost of asbestos-related loss and expense at \$130 billion.

By using a no-fault administrative system, the fund will significantly reduce the substantial transaction costs of the current tort system, costs that most experts agree consume more than half of the total amount being expended. Of the \$130 billion of future asbestos-related costs, it is estimated—and listen to this carefully—it is estimated that approximately \$28 billion, or 21.5 percent, is attributable to defendant costs and approximately \$41 billion, or 40 percent, will go to plaintiffs' attorneys. So there you have 61.5 percent going to lawyers.

I understand how lawyers feel, but 61.5 percent of the total amount going to lawyers means that amount of money is not going to victims. Because of these transaction costs, if we continue in the current system, less than 40 percent of the \$130 billion estimate of future asbestos-related loss and expense—less than 40 percent will be paid to asbestos victims.

This legislation provides for \$140 billion to come into the fund over 30 years without the transaction costs of the legal system, allowing for more money to go to victims. The bill, as amended, obligates defendant and insurer participants to contribute \$136 billion to the fund, and at least \$4 billion more would be contributed from confirmed bankruptcy and other asbestos compensation trust funds.

As an added protection against the risk of insufficient funding, the legislation gives the administrator of the fund the authority to borrow from commercial and government lending institutions.

Finally, if the projections are wrong and the amount of money available proves to be insufficient in the long run, victims will be allowed to return to the courts.

With this safety net, carefully thought out and eagerly debated, this legislation ensures that no one is left without an avenue for recourse.

Another argument opponents of the bill make is that victims will be forced to wait years before they receive compensation.

While California has a system to provide expedited trials when a victim is terminally ill, victims in most States across the country are forced to wait years before they can have their cases brought before a judge or a jury. And often, even after the case is heard and decided, or a settlement is reached, payments can still be stretched out for several months or even years.

Due to the long delays in other States, I have fought throughout this process to ensure that the fund follows California's example and resolves claims of terminal individuals as quickly as possible.

An amendment was adopted in committee that ensures once the trust fund becomes operational, individuals who have mesothelioma are paid in one lump sum within 30 days after their claims are approved, or within 6 months after their claims are filed, whichever is shorter.

Let me repeat that because that is important.

Mesothelioma victims are paid in one lump sum within 30 days after their claims are approved, or within 6 months after their claims are filed, whichever is shorter. What we are trying to do is prevent the delay in payment to someone who is terminally ill.

Other terminally ill claimants, individuals who have been diagnosed with less than a year to live, must be paid within 6 months after their claims are approved, or 1 year after their claims are filed, whichever is shorter.

During the committee consideration of the bill, we also adopted an amendment to speed up payments to terminally ill individuals while the administrator is attempting to get the fund up and running. This amendment provides for a process whereby terminally ill victims can receive a settlement directly from the administrator or claims facility even before the fund is operational. So the first people to be served before the fund is operational are terminally ill victims.

If, for whatever reason, the administrator or claims facility is unable to process or pay these claims during the startup period, the companies or the insurers will be required to make a settlement offer directly to the individual.

We cover that possibility as well.

If the offer is rejected because it is less than the individual would have received under the fund—in other words, the company makes an offer but it is a low offer—the companies have 20 days to make a new offer or else they are penalized.

Under these settlement agreements, claims are to be paid to mesothelioma victims, with 50 percent of the claim to be paid within 30 days after the settlement is accepted, and the other 50 percent within 6 months after the settlement is accepted.

Other terminal victims are to be paid 50 percent of the claim to be paid within 6 months after settlement is accepted, and 50 percent within 1 year after settlement is accepted.

If after 9 months, as I said, the terminally ill individual has still not had their claim processed or fully paid, then they may return to the court.

This has been hard fought for, and this is the fail-safe in this legislation. I think it is fair to say that the companies would like to avoid this. I don't know if Senator SPECTER would agree with that, but I found that to be true. And, therefore, this ability to go back into court if you are terminally ill and you are not paid right away is an added protection that you will get paid.

Finally, I want to address the argument that this bill creates a new entitlement program and will cost the people millions of dollars. This is simply untrue.

According to the Congressional Research Service, entitlement programs are a form of mandatory spending, which "require the payment of benefits

to persons . . . if specific criteria established in the authorizing law are met," and they are not subject to discretionary appropriations from Congress. Entitlement payments are legal obligations of the Federal Government, and beneficiaries can sue to compel full payment.

That is not the case here. The fund created by this legislation will be privately funded. The money collected for the fund comes from businesses and insurance companies—not from the U.S. Treasury.

Although the program will be housed in the Department of Labor, the bill ensures that all expenses, including administrative expenses, are paid by the moneys collected from businesses and insurers.

In addition, as an extra protection, it is expressly stated several times throughout the bill that nothing in the act shall be construed to create any obligation of funding from the United States or to require the United States to satisfy any claims if the amounts in the fund are inadequate. If anyone doubts that, they can look up section 406(b) of the bill.

Some have argued that the Government's liability is derived from the provision that allows borrowing from the Federal financing bank.

In response to an inquiry from former Senator Don Nickles on a previous version of this bill, the GAO stated that "[t]o ensure that the government incurs no liability for repayment of borrowing under the act, Congress may wish to explicitly state that repayment of borrowing is limited solely to amounts available in the fund."

That is what Senator SPECTER did.

The bill expressly provides that "[r]epayment of moneys borrowed by the administrator . . . is limited solely to amounts available in the [Fund]."

It also states that "Nothing in this Act shall be construed to create any obligation of funding from the United States Government, including any borrowing authorized . . ."

With these explicit statements throughout the bill, it is abundantly clear that this legislation would not be a burden on the U.S. Treasury.

In conclusion, from the beginning it has been clear that creating a national asbestos trust fund is an extraordinarily complex undertaking. This has been a compromise effort and there are numerous issues where competing interest groups have come together, such as the creation of a no-fault administrative system, the equitable allocation of contributions, the establishment of reasonable medical standards, the resolution of pending claims and settlements, fair compensation values, and transparency of the system to both victim and corporate stakeholders alike. That is very important.

However, I must say it often seemed that with every solution and compromise, more concerns and problems would arise. In the end, there are some provisions I think all sides would like

to change, but compared to the shortfalls in the current system, this is a strong solution and a good compromise.

I hope Members will vote to close off debate and that we will be able to pass this important piece of legislation.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from California for the comments which she has made. They are thoughtful, they are profound, they go to the heart of the question, and they illustrate the need for legislation. I thank her even more for the great contribution she has made to the bill as it has moved through the committee process. She has devised some of the key sections of the bill, starting with the handling of exigent claims to see to it that people with mesothelioma and other deadly diseases are handled at a very early stage in the proceeding.

We have worked together countless hours in her office, in my office, with many other Senators in the committee process, and she has done a great job in committee generally on many items, including the one identifying victims whose identities are stolen, legislation we are trying to bring to the floor now. But I think the speech she just made was a fine hour, perhaps her finest hour, in identifying their very serious problems.

Mrs. FEINSTEIN. I thank the Senator very much.

Mr. SPECTER. Mr. President, the crux of what Senator FEINSTEIN has had to say is proof positive that we ought to proceed. There is no doubting the problem. The only issue is whether we ought to take up the bill and work on it. Anybody who votes against taking up this bill will be casting, in my opinion—it is a tough word, a tough term—an unconscionable vote, considering how many thousands of people have suffered from deadly diseases and how many companies have gone bankrupt—at least to proceed to take it up. I haven't seen any Senator who has addressed the issue on the floor who hasn't at least faced up to the fact that we have a problem that ought to be addressed. Occasionally, we do consider the merits of a pending motion. The merit of a motion to proceed is whether there is a problem which ought to be taken up. If somebody has a better bill, let them come to it.

I am going to speak very briefly because our distinguished colleague from Alabama, Senator SESSIONS, is on the floor. He, too, has been a major contributor.

First, I wish to thank Senator CARPER for his speech in support of the motion to proceed earlier. I think there is Democratic support. Senator LEAHY, of course, is a cosponsor, Senator KOHL is a cosponsor, Senator FEINSTEIN has spoken, Senator CARPER has spoken, and others have stated their intention to move to take up and consider the

bill. Senator HATCH's comments were very important. He is the author of the trust fund concept, and chaired the Judiciary Committee before term limits called for a shift in chairmanship. He did a great job. Senator DEWINE has spoken in a very important way.

I want to put into the RECORD a couple of newspaper articles which I think are very germane.

Senator REID and I had a conversation about the bill yesterday, with Senator REID making the accusation that lobbyists paved the way for this bill to come to the floor. On the floor, in his presence, I challenged him as violating rule XIX which bars a Senator from making derogatory comments about another Senator.

This morning, in the Hill publication there was the disclosure of a fascinating document which the Hill obtained from a coalition opposing the bill. This document, which is published at some length in the Hill, points out that nearly 20 corporations paid a total of about \$3 million to defeat the asbestos legislation.

The document obtained says this bill's "defeat could bring an end to the trust fund as a viable political option for addressing the asbestos litigation crisis. Therefore, coalition activities leading up to that vote should be commensurate with the opportunity presented to us to defeat the trust fund once and for all."

This coalition document then specifies how they are laying out \$2.78 million for defeating the bill, allocating \$1.34 million for coalition operations and \$1.44 million for advertising.

Then there is a specification as to the companies that are trying to defeat the bill, such as American International Group, Allstate, American Re, a reinsurance provider, the Chubb Corporation, Hartford Insurance, Liberty Mutual, Nationwide Insurance, and Zurich Financial. Each has received bills, according to this document, for \$134,250. ExxonMobil paid \$73,000 to the coalition.

I shall not read any further, but I ask unanimous consent that it be printed in the RECORD at the conclusion of my comments.

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

(See exhibit No. 1.)

Mr. SPECTER. Mr. President, I also think it is relevant to note an editorial in the New York Times today which is solidly in support of this bill. The Times editorial refers to the efforts of Senator LEAHY, the distinguished ranking member and principal cosponsor with me, and says:

That makes it a 21st century rarity; a thoughtful, bipartisan compromise on a vexing national problem. It would create a trust fund to pay awards to those who are already sick, using detailed medical criteria to determine eligibility and awards. Under this no-fault system, akin to workers' compensation, those exposed to asbestos at work but not ill would be entitled to free medical screening every three years.

And the Times editorial goes on to point out:

Lobbyists for the trial lawyers, at various companies, insurers and union interests that feel aggrieved by some aspect of the complex package are trying to round up lawmakers to block the bill. A key test is to come today, when the majority leader, Bill Frist, has scheduled a vote to allow the Senate to begin formal consideration of the bill. Mr. Reid is trying to derail the measure even before the debate begins in earnest, and Democrats who want to see asbestos victims treated fairly should not support him.

There are other dangers ahead, including the possibility of a "poison pill" amendment that would expand to other communities a special provision that would make residents of Libby, Mont., a town uniquely affected by asbestos contamination, eligible for a guaranteed level of compensation without a need to show occupational exposure. Another worry is that some Republicans will try to amend provisions or medical criteria in ways that would be unfair to victims.

The New York Times editorial concludes, saying:

No one can be sure that \$140 billion will cover all current and future claims. But the bill would give victims the option of going to court should the trust fund run out. It would be a vast improvement over the present method of dealing with the claims of asbestos victims, which is to clog the courts and bankrupt companies while depriving many victims a measure of justice.

I ask unanimous consent that the full text of this editorial be printed at the conclusion of my comments.

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

(See exhibit 2.)

Mr. SPECTER. Mr. President, in order to make other documents available, I ask unanimous consent that a series of letters be printed in the RECORD. I think it important that these be available in the RECORD for Senators and their staffs and for the public to see the kind of support this bill has.

Yesterday, Senator REID and I had a few words about a number of groups who are for the bill and who are against the bill. This letter is from many veterans groups urging Senator REID not to filibuster the bill. They say:

We urge you not to stand in the way of full Senate consideration of this vital legislation.

And the number of veterans groups is enormously impressive, including the Veterans of Foreign Wars, the Paralyzed Veterans of America, The Retired Enlisted Association, the Blinded American Veterans Foundation, the Jewish War Veterans of the USA, and quite a number of veterans organizations which will appear in the RECORD.

I also have printed letters of support from the NFIB and a letter signed by manufacturers, labor groups, small business, and 25 additional veterans groups.

I ask that these documents be printed in the RECORD so colleagues can see the kind of support this bill has. By doing this, they get into the CONGRESSIONAL RECORD, and the people note the support.

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

(See exhibit 3.)

Mr. SPECTER. My distinguished colleague from Alabama has been waiting. In advance, I thank Senator SESSIONS for his outstanding work on this committee generally but especially on this bill.

EXHIBIT No. 1

[From the Hill, Feb. 7, 2006]

AIMING AT ASBESTOS BILL

(By Alexander Bolton)

Nearly 20 corporations have paid a total of about \$3 million to defeat the asbestos trust-fund bill, which Senate Majority Leader Bill Frist (R-Tenn.) has designated his first priority in 2006, according to a coalition planning document obtained by The Hill.

The Senate will consider the bill, which establishes a \$140 billion trust fund to compensate the victims of asbestos exposure, over the next two weeks, leading up to the Presidents Day recess. Strategists leading the opposition view the debate as an opportunity to defeat the creation of such a trust fund permanently.

"Majority Leader Frist's agreement with Chairman [Arlen] Specter [R-Pa.] to put S. 852 on the Senate floor for a vote, in the face of opposition from the Judiciary Committee conservatives and Budget Committee leadership, has increased the stakes of that vote beyond its important role in the legislative process," Kieran Mahoney, a strategist with Mercury Public Affairs, wrote in a private memo to the Coalition for Asbestos Reform. The firm Fleishman-Hillard is also coordinating the lobbying effort.

"This has become a do-or-die opposition for the advocates of the Trust Fund, and its defeat could bring an end to the Trust Fund as a viable political option for addressing the asbestos litigation crisis," Mahoney wrote. "Therefore coalition activities leading up to that vote should be commensurate with the opportunity presented to us—to defeat the Trust Fund once and for all."

The memo was contained in a 22-page internal planning document detailing the Coalition for Asbestos Reform's strategy. The bill is sponsored by Specter and cosponsored by Sen. Pat Leahy (Vt.), the ranking Democrat on the Judiciary Committee. The document, crafted at the end of last year, is available on The Hill's website, <http://img.thehill.com/img/news/020706/asbestos.pdf>

It lays out a \$2.78 million budget for defeating the bill, allocating \$1.34 million for coalition operations and \$1.44 million for advertising.

Fleishman-Hillard and Mercury Public Affairs are charging \$510,000 in fees and \$80,000 in expenses for their work over the first four months of the year, according to the document.

In his memo, Mahoney writes that the advertising campaign will be built around "creating political will inside three audiences—moderate/conservative Democrat Senators who are deemed persuadable, conservative Democrat Senators who are deemed persuadable, conservative Republican senators whose current opposition needs to be turned into a "no" vote, and DC opinion leaders who collectively make up conventional wisdom.

Opinion leaders are being targeted by advertising through national cable networks, D.C. broadcast stations and Capitol Hill print outlets.

Senators are being targeted through TV and print ads in select markets in key states.

The business groups are leaving the persuasion of liberal-leaning senators to trial lawyers and unions.

"Separately, the Coalition needs to ensure that the trial bar and related advocacy

groups are preparing a similar strategy that targets liberal Democratic Senators," the Mercury Public Affairs memorandum stated.

The campaign appears to have gained traction, as Senate Minority Leader Harry Reid (Nev.) has vowed to filibuster it and conservative Republicans on the Judiciary Committee such as Sens. John Cornyn (R-Texas) and Tom Coburn (R-Okla.) have voiced concerns over the bill.

It passed out of the Judiciary Committee with the support of all Republican members and Sens. Leahy, Dianne Feinstein (D-Calif.) and Herb Kohl (D-Wis.).

Manufacturing and insurance companies have long sought a trust fund to pay asbestos-related medical claims and to avoid costly lawsuits. Partisan wrangling over the best way to pay asbestos-related claims and to settle a blizzard of ongoing and potential lawsuits that has dragged on for years.

The bipartisan proposal has garnered opposition from groups of labor unions, trial attorneys, midsize manufacturing companies and insurance companies. Unions have pushed for more money in the trust fund and trial attorneys oppose the concept because it curbs litigation. Midsize companies have balked at how much they must pay into the fund, and insurance companies are worried about their liability if it runs out of money.

But a significant portion of the business community supports Specter and Leahy's efforts.

"There are numerous supporters of the trust fund," said Matt Webb, vice president of the U.S. Chamber of Commerce's Institute for Legal Reform, which has not taken a position on the bill.

"It's impossible to say how many are in each camp, it depends on each individual company's financial situation and legal situation."

The coalition's document includes a list of member companies and how much they've been asked to contribute to the opposition effort.

Donors such as American International Group; Allstate; American Re, a reinsurance provider; Chubb Corp.; Hartford Insurance; Liberty Mutual; Nationwide Insurance; and Zurich Financial have each received bills for \$134,250 to pay for operating and advertising costs, according to the document.

Oglebay Norton, an industrial-minerals company, and Okonite Co., an electrical-wire manufacturer, have received bills for \$55,000. Bills for varying amounts have been sent to other member companies.

Exxon Mobil paid \$73,000 to the coalition but is not a member, said Thomas O'Brien, chairman of the coalition, who will receive \$100,000 for his work over January, February, March and April, according to the document.

O'Brien declined in a phone interview to discuss what other companies have joined the coalition or if the billing records accurately represent the contributions of coalition members to date.

"Things change every day," he said during the interview in which Bill Fay of Fleishman-Hillard also participated. "That was a planning document. As Bill said, that document was not for public dissemination, I wouldn't comment on it."

O'Brien and Fay said that the time for Congress to act was several years ago but that states such as Texas have now taken steps to deal with the slew of medical claims. They said that the Senate bill would wreck those efforts.

EXHIBIT 2

[From the New York Times, Feb. 7, 2006]

JUSTICE FOR ASBESTOS VICTIMS

Just last week, the Democrats' Senate leader, Harry Reid of Nevada, failed to mus-

ter the gumption to try to stop the nomination of a right-wing ideologue to a lifetime seat on the Supreme Court. So it's shocking to hear Mr. Reid threatening now to block a bipartisan bill that would finally bring justice and compensation to victims of asbestos-related diseases. We can't imagine what Mr. Reid is trying to achieve, other than showing fealty to the trial lawyers who have been so generous to his party.

The Senate should approve the bill, which would replace the current morass of asbestos litigation with a \$140 billion fund to pay the claims of victims of asbestos exposure. The fund would be financed by makers of asbestos, a carcinogenic material, and manufacturers that used it, and their insurers.

It is the product of an assiduous effort by Senator Arlen Specter, the Republican who is chairman of the Judiciary Committee, and Senator Patrick Leahy, the committee's senior Democrat. That makes it a 21st-century rarity: a thoughtful bipartisan compromise on a vexing national problem. It would create a fund to pay awards to those who are already sick, using detailed medical criteria to determine eligibility and the awards. Under this no-fault system, akin to workers' compensation, those exposed to asbestos at work but not ill would be entitled to free medical screening every three years.

Lobbyists for trial lawyers, and various companies, insurers and union interests that feel aggrieved by some aspect of the complex package, are trying to round up lawmakers to block the bill. A key test is to come today, when the majority leader, Bill Frist, has scheduled a vote to allow the Senate to begin formal consideration of the bill. Mr. Reid is trying to derail the measure even before the debate begins in earnest, and Democrats who want to see asbestos victims treated fairly should not support him.

There are other dangers ahead, including the possibility of a "poison pill" amendment that would expand to other communities a special provision that would make residents of Libby, Mont., a town uniquely affected by asbestos contamination, eligible for a guaranteed level of compensation without a need to show occupational exposure. Another worry is that some Republicans will try to amend the payment provisions or medical criteria in ways that would be unfair to victims.

No one can be sure that \$140 billion would cover all current and future claims. But the bill would give victims the option of going to court should the trust fund run out. It would be a vast improvement over the present method of dealing with the claims of asbestos victims, which is to clog the courts and bankrupt companies while still depriving many victims a measure of justice.

EXHIBIT 3

JANUARY 31, 2006.

Hon. HARRY REID,
Democratic Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: Veterans across the country who are afflicted with asbestos-related diseases would at last get compensation and relief under the Fairness in Asbestos Injury Resolution (FAIR) Act. But according to a number recent media reports, you have labeled the FAIR Act as a bill that caters to special interests and have informed Majority Leader Frist in writing that you will oppose this critical legislation. In all frankness, your words and actions are extremely disappointing to veterans across this nation—surely you do not consider sick veterans to be a "special interest"?

The FAIR Act will provide proper compensation to sick men and women who volunteered to fight for our country—compensa-

tion they simply can't get under the current system. The military used asbestos throughout its facilities, bases, and ships during and after World War II, and countless veterans were exposed to this deadly material. But because the U.S. government has asserted sovereign immunity, these sick veterans are unable to seek compensation from the government through the courts.

The FAIR Act's victims' trust fund would open a door for veterans that has been closed for years.

We are disappointed that you are trying to keep that door closed and stop veterans from receiving the compensation they deserve. Sick veterans—and indeed, all victims—deserve better than political gamesmanship on this critical issue. We urge you not to stand in the way of full Senate consideration of this vital legislation.

The FAIR Act is more than overdue. The Senate has been debating these reforms for years. Sick victims, including sick veterans, shouldn't be forced to wait for help any longer.

Sincerely,

Air Force Sergeant Association.
American Ex-Prisoners of War.
Blinded American Veterans Foundation.
Blinded Veterans Association.
Fleet Reserve Association.
Jewish War Veterans of the USA.
Marine Corps League.
Military Officers Association of America.
Military Order of the Purple Heart.
National Association of Black Veterans.
Non Commissioned Officers Association.
National Association of Uniformed Services.

National Association of State Directors of Veterans Affairs.

Paralyzed Veterans of America.
Pearl Harbor Survivors Association.
The Retired Enlisted Association.
Veterans of the Vietnam War, Inc.
Veterans of Foreign Wars of the U.S.
Women in Military Service for America.
Memorial Foundation, Inc.
U.S. Submarine Veterans, Inc.
U.S. Submarine Veteran, Inc., Lockwood Internet Base.

U.S. Submarine Veterans of World War II.
U.S. Submarine Veterans Base Rhode Island.

U.S. Submarine Veterans World War II Thames River Chapter.

U.S. Submarine Veterans World War II Central Connecticut Chapter.

NATIONAL FEDERATION
OF INDEPENDENT BUSINESS,
Washington, DC, February 6, 2006.

Hon. ARLEN SPECTER,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SPECTER: On behalf of the 600,000 members of the National Federation of Independent Business, I am writing to express our support for S. 852, "The Fairness in Asbestos Injury Resolution (FAIR) Act of 2005." The FAIR Act will help protect innocent small business owners from the asbestos litigation crisis that now threatens their business.

Asbestos lawsuits against small businesses are on the rise. After years of suing large corporations for multi-million dollar damage awards, "traditional" asbestos manufacturers and defendants are mostly bankrupt. As a result, asbestos litigation now targets companies far removed from any potential wrongdoing, including small businesses. This relatively untapped pool of defendants is an attractive target for trial lawyers since small-business owners and their insurers can be forced to pay millions of dollars in damages. Horrifying for a small-business owner is the prospect that they can be hauled into

court without having any relationship to asbestos or the plaintiff. Many small businesses are forced to settle because they don't have the money or time to be away from their businesses. Not only do they face the stigma of having to settle, and the loss of time and money, but they will likely also experience higher insurance rates.

By creating an alternative compensation system to resolve asbestos claims, S. 852 will fix a badly broken system that is not working and, in the process, compensate victims faster. In addition to lawsuit relief, the legislation relieves small businesses with either low or no asbestos liability from having to pay into the compensation fund. No business that meets the Small Business Administration description of a small business can be required to pay a penny into the fund. Nor will any small business that has carried less than \$1 million in asbestos expenditures before December 31, 2002 have to pay into the fund.

This legislation will help prevent small businesses from having to spend the time and money to defend themselves in asbestos lawsuits. It takes a significant step towards fixing part of our litigation crisis that hurts business, big and small, and ultimately keeps the victim from receiving compensation.

Thank you for your support of small business.

Sincerely,

DAN DANNER,
*Executive Vice President,
Public Policy and Political.*

JANUARY 26, 2006.

Hon. BILL FRIST,
*Majority Leader, U.S. Senate, Capitol Building,
Washington, DC.*

Hon. HARRY REID,
*Minority Leader, U.S. Senate, Capitol Building,
Washington, DC.*

DEAR MAJORITY LEADER FRIST AND MINORITY LEADER REID: We, the undersigned, urge you to bring the Fairness in Asbestos Injury Resolution Act of 2005 (the FAIR Act—S. 852) to the floor of the United States Senate for debate and consideration. Although we all come from a variety of perspectives, we agree it is time for Congress to enact meaningful asbestos reform through establishment of a well-constructed federal trust fund.

Our country faces an asbestos litigation crisis with claims rising exponentially and the backlog of cases ever increasing. To date, 74 companies have gone bankrupt due to asbestos litigation with 60,000 jobs lost and the cost to the U.S. economy estimated at \$343 billion. The continuing costs and uncertainties of the current situation are harmful not only to the asbestos victims with legitimate claims, but also to employees, retirees, shareholders, customers of defendant companies and insurers and to U.S. consumers.

The FAIR Act will go a long way toward solving many of the injustices of the current system. First, and most importantly, a well-constructed trust fund will provide sick victims of asbestos exposure with the fast, certain, and fair compensation they deserve. Such a trust fund will provide compensation to many sick veterans who are barred from seeking compensation through the courts. Additionally, the legislation includes significant protections for small businesses.

Indeed, our nation's governors working through the National Governors Association called for federal legislative action on the asbestos crisis in a resolution adopted at their annual meeting in July, 2005. S. 852 is a bipartisan compromise approved overwhelmingly by the Senate Judiciary Committee by a 13 to 5 vote. We believe that the time is now for the Senate's consideration of

this important legislation that will lead to the meaningful reform our country needs and deserves.

Please move forward on S. 852. It is a solution to the asbestos litigation crisis that will ensure fair and timely compensation for victims and certainty and finality for businesses, workers, and the U.S. economy. All Americans stand to benefit from the resolution of the asbestos crisis.

Sincerely,

A&I Parts Center.
Air Force Sergeant Association.
Alabama Voters Against Lawsuit Abuse.
Albina Fuel.
Alma Chamber, NE.
American Architectural Manufacturers Association.
American Boiler Manufacturers Association.
American Ex-Prisoners of War.
American Small Business Association.
AMVETS, Albuquerque, NM, Post 7.
AMVETS, Post 15, Los Ojos, NM.
The Asbestos Alliance.
Asbestos Study Group.
AMT—The Association for Manufacturing Technology.
Arizona Association of Industries.
Associated Industries of Florida.
Associated Industries of Kentucky.
Associated Industries of Massachusetts.
Associated Industries of Missouri.
Associated Oregon Industries.
Association of Builders and Contractors, NM Chapter.
Association of Builders and Contractors, LA.
Association of Washington Business.
Austin Gene Rater.
Automotive Parts and Service Association, TX.
Banner Healthcare.
Beatrice Chamber.
Blinded American Veterans Foundation.
Blinded Veterans Association.
Brave Services.
W.T. Butcher & Associates.
California Manufacturers & Technology Association.
Capital Home Realty.
CBS Corporation.
Center for Individual Freedom.
Century Insurance.
Cheyenne County Chamber, NE.
Council for Citizens Against Government Waste.
Crane Co.
Crown Cork and Seal.
CS Property Brokerage.
Delta Mechanical.
The Dow Chemical Company.
H.E. Everson Company.
Fleet Reserve Association.
FMC Corporation.
Freemont Area Chamber, NE.
Ford Motor Company.
S.A. Foster Lumber.
G-I Holdings, Inc.
Gage County Economic Development, Inc., NE.
The Gasoline & Automotive Service Dealers of America, Inc.
General Electric Company.
General Motors Corporation.
Georgia Industry Association.
Grand Island Area Economic Development Corporation.
Great American Insurance Company.
Greater North Dakota Chamber of Commerce.
Hanna Prime, Inc.
Hedahls, Inc.
Honeywell International Inc.
Hurley Auto Parts.
Illinois Manufacturers Association.
Indiana Manufacturers Association.
Industrial Fasteners Institute.

International Association of Heat & Frost Insulators & Asbestos Workers.

International Association of Plastics Distributors.

International Union of Painters and Allied Trades.

International Union, United Automobile, Aerospace & Agricultural Implement Workers of America-UAW.

Irex Corporation.

Jewish War Veterans of the USA.

The Kansas Chamber of Commerce.

Kent Bork Consulting.

Lane McFerrin Partners.

Lansing Regional Chamber of Commerce, MI.

Les Schwab Tire Centers.

Linen King.

Louisiana Association of Business & Industry.

Louisiana Pulp and Paper Association.

Lumber Dealers Association of Connecticut.

MacDonald Direct Marketing, Inc.

McDermott International.

Marine Corps League.

Marketing and Promotion, Inc.

MetLife, Inc.

Michael Jordan Realty.

Michaels Menagerie.

Michigan Manufacturers Association.

Michigan Tooling Association.

Military Officers Association of America.

Military Order of the Purple Heart.

Motor Parts Distributors of Modesto, CA.

Nabholz Appraisal.

National Alliance of Wholesaler-Distributors.

National Association of Black Veterans.

National Association of State Directors of Veterans Affairs.

National Association of Uniformed Services.

National Black Chamber of Commerce.

Nebraska Chamber of Commerce & Industry.

Nebraska Lumber Dealers Association.

Nevada Manufacturers Association.

New Jersey Business & Industry Association.

Non-Commissioned Officers Association.

North Dakota National Federation of Independent Business.

Northern Colorado Legislative Alliance.

Ogallala/Keith Chamber, NE.

Ohio Manufacturers' Association.

Oregonians for Jobs and Power.

Owens-Illinois, Inc.

Pfizer Inc.

Paralyzed Veterans of America.

Paralyzed Veterans of America, Mid-America Chapter.

Pearl Harbor Survivors Association.

Pennsylvania Manufacturers' Association.

People Dynamics, Inc.

The Plumbers Association, AR.

Plumbing-Heating-Cooling Contractors Association of Nebraska.

Pneumo Abex LLC.

Preferred Utilities.

Realty Executives.

Red Drum Investments.

RPM International.

The Retired Enlisted Association.

RetireSafe.

River Country Economic Development, NE.

Sack Lumber.

Saint-Gobain Corporation.

Santa Fe Chamber of Commerce, NM.

Saulsbury Industries.

The Seniors Coalition.

Shreveport Rubber and Gasket.

Small Business & Entrepreneurship Council.

South Carolina Chamber of Commerce.

State Chamber of Oklahoma.

Steel Manufacturers Association.

Sterling Heights Area Chamber of Commerce, MI.

Tennessee Chamber of Commerce.
 Textile Care Allied Trades Association.
 USG Corporation.
 U.S. Submarine Veterans, Inc.
 U.S. Submarine Veterans Inc., RI Base.
 U.S. Submarine Veterans WWII, Thames River Chapter.
 U.S. Submarine Veterans WWII, Central CT Chapter.
 U.S. Submarine Veterans, Inc., Groton Base.
 Utah Manufacturers Association.
 Veterans of Foreign Wars of the United States.
 Veterans of the Vietnam War, Inc.
 Wahoo Chamber, NE.
 Waterloo Lending.
 Whalen's Furniture.
 Women Construction Owners & Executives, USA.
 Women Entrepreneurs, Inc.
 Women Impacting Public Policy.
 Women in Military Service for America Memorial Foundation, Inc.
 Wunderworks.

Mr. SESSIONS. Mr. President, I appreciate very much the leadership of the chairman. We have been working on this idea for quite a few years. I believe more strongly than ever that it is time to fix this broken system. I will talk about that more.

If the chairman does not mind, our colleague, Senator BEN NELSON from Nebraska, wanted 2 minutes.

I yield the floor, and I ask unanimous consent I be recognized after Senator NELSON.

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

(The remarks of Mr. NELSON are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the asbestos litigation in America today is out of control. We have been working on fixing it for years. In a previous life, I represented two plaintiffs, people who were injured from asbestos, seriously injured, and adversely affected in their health. I was embarrassed by how long it took, and by how many fees and costs came out of those cases. I have been embarrassed over the years to see this spasm in our legal system continue daily, not dispensing justice in a fair and legitimate way.

We know from a Rand study and from our own experience that 58 percent of the money paid out by these defendants does not go to the people who are sick; it goes to lawyers. Somebody made an interesting point—I believe it was Senator DURBIN—that actually a slightly higher percentage of money goes to defense lawyers than to the plaintiffs' lawyers. Regardless which side receives the money, over half of it is going to lawyers.

If you are sued for \$50 million and your corporation hires the best legal team possible and spends all this money, and there are court costs and depositions and fees for experts, it eats you up. When the judgments come out, often after years of work, very little money goes to the victim. It is not right. It is the worst performance by

the legal system, in my view—other than discrimination based on race in our past—since the founding of the Republic. This cannot be justified, although it is happening this very day in courts all over America.

Over 700,000 individuals have filed asbestos claims, and as many as 300,000 of those claims are pending today. The number of asbestos defendants started out at 300. These defendants were the people who made the asbestos, who shipped it out, who at some point became aware that asbestos was damaging to their health—they put no warnings on it—and just sent it out. Those people were the original asbestos defendants. The original plaintiffs were directly harmed by their actions. For example, my client was in a submarine, sawing asbestos with an electric saw in that confined space, breathing untold amounts of asbestos. By his early fifties, he was on oxygen. That is reality. That happened.

Today, we have people who worked in a repair shop who claim somehow the brakes had asbestos in them and are now responsible for a disease they may have. And it may not be true. The damage is much less in many of these instances than it was for my client and others like him. Yet under the current system, these shaky claims get compensated. We need to sift through this mess and create a system that will work.

Mr. President, \$70 billion has been spent today to resolve asbestos-related claims. Of course, less than half of that \$70 billion got to the victims. Companies are settling claims filed by people who are not sick because they cannot afford to litigate. It is just that simple. People who are not sick now are getting money as almost a nuisance or extortion payment because the lawyers are filing so many of these cases. It has been driving companies into bankruptcy at an alarming rate.

There were 19 asbestos bankruptcies filed in the 1980s. Seventeen were filed in the 1990s. Between 2000 and mid-2004, there were an astonishing 36 asbestos-related bankruptcy filings, amounting to more filings in the first half of this decade than in the prior two decades combined.

We hear a lot of people saying: I would rather sue and go through the court system than have this national fund. But there may not be a defendant to sue at this rate because 77 companies have gone bankrupt. With those bankruptcies, American workers have lost 60,000 jobs, costing up to \$200 million in lost wages.

The money, as I indicated, is not getting to the victims. Some beneficiaries of the Manville asbestos trust fund received as little as 5 cents on the dollar for their claims. If there is a \$1 million verdict and you get 5 cents on the dollar, how fair is that?

In my hometown of Mobile, AL, the Mobile Register, which has done a considerable, superb investigative effort into some of the abuses in this system

which are prominent along the gulf coast because we have a lot of asbestos exposure in the shipyard industry, said:

The biggest beneficiaries of the asbestos-related lawsuits tend not to be people with health problems, but the lawyers and the for-profit lung testing companies they hire.

There has been a tremendous scandal over that. One courageous Federal judge has blown the whistle on it and perhaps broken that system up. But it is just one more example of the many abuses in the current system.

Now, the U.S. Supreme Court has seen this matter from the perspective of the legal system. They are looking down at the 300,000 claims that are pending all over America. They are seeing that things are not going as they should. So in 1991, the Judicial Conference Committee—this is the judges' committee that represents all the Federal judges in America, appointed by the Chief Justice of the United States—said the asbestos situation had "reached critical dimensions." Then they went on to say that the courts were "ill-equipped" to address these mass claims in any effective manner. This statement was significant because the Judicial Conference Committee does not write us very often about things like this.

In *AmChem Products v. Windsor*, in 1997, Justice Ginsburg, writing for the Supreme Court—I will note parenthetically that Justice Ginsburg, who was an ACLU lawyer, one of the more activist members of the Court, and certainly not a shill for the business industry—said this:

The argument is sensibly made that a nationwide administrative claims processing regime would provide the most secure, fair, and efficient means of compensating victims of asbestos exposure. Congress, however, has not adopted such a solution.

The Supreme Court has in essence issued what is a challenge, a plea to us, really.

In *Ortiz v. Fibreboard Corp.*, Justice Souter, on the Supreme Court, said this:

The elephantine mass of asbestos cases . . . defies customary judicial administration and calls for national legislation. . . .

S. 852 is a response to the Supreme Court's concerns. The bill establishes a \$140 billion trust fund, privately funded, for the purpose of directing compensation to the individuals suffering identifiable injuries as they result from asbestos exposure. Instead of waiting years for their claims to go through the tort system, the trust fund will allow legitimate asbestos victims to be compensated faster and on a no-fault basis, meaning that the claimants no longer have to go into court and have a trial to prove that their injuries are the result of negligence or fault on another party; they just make a claim and get paid based on the severity of injury. They do not have to prove causation or negligence.

For asbestos victims who are the most ill, like those with mesothelioma, the bill provides for an expedited

claims process and payment system. It is really expedited. Fifty percent of the \$1.1 million a person with meso will be entitled to receive will be paid within 30 days, and the rest in 6 months.

Now, we have seen in the paper, we have heard here on the floor, and we have heard from people who have come to the Hill, like widows of persons who have died from mesothelioma, just how long it takes to get compensation under the tort system. Meso is a deadly disease that is, indeed, connected to asbestos. Of that I think there is little dispute. That is why this legislation says that if you have mesothelioma and you have been exposed to asbestos, you walk in with a doctor and they will pay you \$1.1 million, and you do not even need a lawyer. You get all of your compensation, and you do not have 60 percent of the money taken out for fees and costs, and the money will be paid promptly. Isn't that the way the system should work?

But we have had these widows and other victims coming here, telling us how long it takes to get their money. I began to think about it a little bit—I know Senator SPECTER has had the opportunity to deal with this issue, too—and how sad it is to see people who have been widowed as a result of asbestos. Let me say this. Widows are coming here asking for payment as the result of the death of a loved one because they have not yet gotten their money. Why haven't they been paid? Because it takes years in the current system to bring the case to judgment, and then there is only partial judgment. Some defendants settle, some do not settle, and the cases go on. And the people with fatal diseases such as mesothelioma die before the case is ever concluded. I am telling you that is the way it works in the real world. That will end with this process.

We have the ability to create in this Senate a legal scheme for handling these cases that will end a system where the real victims get pennies on the dollar and individuals with no real injuries clog up the system or get windfalls. It will end a system where lawyers are the big winners, often walking away with more than half the proceeds.

The FAIR Act will provide greater certainty to victims, defendant companies, and insurers. Under the fund, victims will be paid on a set schedule, according to their proven illness. Defendant companies and insurers will contribute a set amount of money to the fund on a predetermined timetable, allowing them to move forward and plan for their financial future. The money will go to victims, not to overhead and attorneys.

The Democratic leader has said this is some sort of corrupt process, and those who want to fix this system are somehow coming here with less than clean hands, that their judgment is clouded by K Street or money. I would ask the Democratic leader to defend this system, if you will. Come here and

justify what is going on in the courts of America.

Dickey Scruggs, who lives not too far from my hometown of Mobile, AL, was the architect of the asbestos litigation. He started the cases, and he established the legal principles that led to all of these suits around the country. He came with Senator SPECTER the other day and said it is time to bring it to an end, that this is not a legitimate legal process anymore. It is not working effectively. It is an embarrassment to us all.

It is an embarrassment to me that Congress cannot fix a system where billions of dollars are being paid out, billions of dollars—\$70 billion already, and 60 percent of it does not go to the victims. What kind of legal system is that?

Now, we have a lot of businesses that are opposing the legislation. I would suspect their views are that they have gotten a calculator out and they have had their accountants and lawyers get together, and they have calculated that they may not pay as much under the current system as under this bill, so they do not want the bill to pass.

We have plaintiffs' lawyers who are out there making millions of dollars every day on this system. And there are defense lawyers also making millions of dollars on this system. They object to the legislation because they have a special interest in it.

But we are Senators. We represent the public interest. We have a duty and an obligation to defend this American legal system, and to make sure the legal system has integrity. We are entitled and have a responsibility to superintend it. When we see things in the system that are plainly wrong, it is our responsibility to fix them. That is what we are setting about to do with this bill. It is not easy. I do not deny that.

We will continue to listen to the legitimate complaints of those who feel somehow this system will not be fair to them, and continue to make adjustments.

Senator SPECTER, Senator LEAHY, and others have—we have all promised to do that, to try to, in good faith, work in that way. But, again, our responsibility is not to plaintiffs' lawyers, who poured millions of dollars in campaign contributions to one side or another in these races, or businesses that pour out large contributions. What is that? Our responsibility is to integrity and to propriety and to justice. Justice is not being done in these cases. Dickey Scruggs himself says it should end. He supports this legislation. Does anybody say he does not care about victims? He has represented thousands of them, tens of thousands of them.

I am glad to work with Chairman SPECTER and the others in support of this bill. I believe his work on it comes from the highest motives, the purest motives. We can disagree on the tactics, but it is offensive to me that we have Senators on this floor suggesting

that an effort to end this abusive and unjust system is somehow, in itself, a corrupt act. That is not true.

Senator SPECTER and Judge Becker of the Third Circuit Court of Appeals, a senior judge and capable person, have had meetings all over this country, listening to everybody who has an interest in this matter. Senator SPECTER has spent hours in these meetings—days, weeks, months, even. Senator HATCH, as chairman of the Judiciary Committee before Senator SPECTER, has also worked tirelessly to accommodate concerns.

For years we have been working on this legislation. It is an open process. The bill is out there. If it needs to be improved, I support that and will listen to that effort. But I do not think we need to drop the ball now. We are moving forward toward the goal line. We have an opportunity to provide relief to victims in a way that cannot help but be helpful to them, but they may not know that.

I am getting calls from victims, and they are saying things with written messages their trial lawyers have given them to say. It breaks my heart. To think, I used to be representing victims, so I know a little bit about this matter. I am sympathetic to them. They do not know. They have no idea this system is going to provide more money for victims, quicker and faster, with less cost than the current system. They are hearing it only from one side—their lawyer's.

So it is up to us to do the right thing and not play politics, not lose our nerve at this point in history.

I am glad to see Senator SPECTER here. If he would allow me, I wish to take a couple minutes at this point to say a few words on the passing of Coretta Scott King.

I say to Chairman SPECTER, if you wish to comment, I did want to have a few minutes to express my thoughts on the funeral today of Coretta Scott King.

Mr. SPECTER. Mr. President, if the Senator from Alabama will yield to me for a very brief comment about his presentation before moving on, I wish to thank him for those comments. I think he has accurately described the serious problem caused by asbestos in this country in terms of injuring workers, injuring people who are exposed to asbestos who are not workers but from materials carried home, the tremendous impact on the economy, the bankruptcies.

He has addressed in a very forceful way the spurious, unmeritorious allegation about lobbyists having bought their way on to the floor with this bill. I appreciated all of his speech, but I especially appreciated the passion there.

I ask unanimous consent that the printed RECORD reflect the passion. The printer is going to have to figure out some way to reflect the passion.

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

Mr. SPECTER. Is that unanimous consent request granted, Mr. President?

The PRESIDING OFFICER. I took it as such, and I granted it.

Mr. SPECTER. Good. But it was a terrific speech, I say to Senator SESSIONS, and I thank you for it and thank you for your leadership on this bill generally and for your strenuous, hard work and leadership on the Judiciary Committee.

Mr. SESSIONS. Thank you, I say to Senator SPECTER. You put your heart and soul into this effort. Nobody should think the effort you have gone forward with, and that Senator HATCH and Senator LEAHY and Judge Becker and others have gone forward with, is for any other purpose than trying to make this system better. We absolutely can improve the system. It is within our grasp to do so. If we cannot pass legislation that takes the 58 percent of compensation that is currently not getting to the victims and allow those victims to have larger amounts of money, it is our fault. We are pretty incompetent.

CORETTA SCOTT KING

Mr. SESSIONS. Mr. President, I want to take a moment to express some thoughts about the death of Coretta Scott King. She grew up in Perry County, AL. Her father ran a country store as did mine.

Mrs. King, in so many ways, epitomized the good background that she had and where she was raised. She carried those values forward throughout her life. She graduated from Lincoln High School in Marion, AL. It was an all-Black high school that educated the offspring of former slaves from 1867 and 1970. The late Jean Childs Young, wife of former Atlanta Mayor Andrew Young, was another distinguished Lincoln graduate.

After high school, where she was valedictorian of the Class of 1945, Mrs. King accepted a scholarship to Antioch College in Ohio, where she studied the violin, singing, and piano. After graduating from Antioch, she accepted a scholarship to attend the New England Conservatory of Music in Boston, where she met her future husband Martin, who was also a student in Boston.

They got married in 1953 and the very next year, they were at Dexter Avenue Baptist Church, within sight of the State Capitol of the State of Alabama. It was at this time that she and Dr. King came to know Rosa Parks, whose refusal to give up her seat on a Montgomery bus led to the civil rights movement. Rosa Parks was arrested and the Montgomery bus boycott ensued, sparking a movement to ensure that all citizens were treated equally under the law.

Dr. and Mrs. King and Rosa Parks truly changed a system that could not be defended. It was a system that treated people, because of the color of their skin, as second-class citizens and not equal. It was not a defensible system morally or legally.

Judge Frank Johnson got the bus boycott case, and he ruled that the equal protection clause of the U.S.

Constitution said people should be treated equally. Requiring someone to go to the back of the bus, despite a State statute to the contrary, did not represent equality. It was unconstitutional. The Supreme Court agreed, and that gave a real boost to the civil rights movement.

During her 78 years, Mrs. King represented the kind of character and integrity and commitment to right living that should inspire us all. And she has given her best full measure. She has seen the toils and snares of life. She moved through them through her full and complete time on this Earth. She has run the race and is fully entitled to the rewards of that successful race.

It is my honor and privilege to express, on behalf of the people of Alabama, my sympathy to the King family, to wish them well and to say to them how our State, our Nation, and, indeed, the world is better off for the courage they displayed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I associate myself with the eloquent remarks of the Senator from Alabama with respect to Coretta Scott King. I appreciate the opportunity to listen.

WARRANTLESS WIRETAPS

Mr. FEINGOLD. Last week the President of the United States gave his State of the Union Address, where he spoke of America's leadership in the world and called on all of us to "lead this world toward freedom." Again and again, he invoked the principle of freedom and how it can transform nations and empower people around the world.

Almost in the same breath, the President openly acknowledged that he has ordered the Government to spy on Americans on American soil without the warrants required by law. The President issued a call to spread freedom throughout the world, and then he admitted he has deprived Americans of one of their most basic freedoms under the fourth amendment—to be free from unjustified Government intrusion.

The President was blunt. He said he had authorized the NSA's domestic spying program, and he made a number of misleading arguments to defend himself. His words got rousing applause from Republicans and I think even from some Democrats.

The President was blunt so I will be blunt. This program is breaking the law, and this President is breaking the law. Not only that, he is misleading the American people in his efforts to justify this program.

How is that worthy of applause? Since when do we celebrate our Commander in Chief violating our most basic freedoms and misleading the American people in the process? When did we start to stand up and cheer for breaking the law? In that moment at the State of the Union, I felt ashamed.

Congress has lost its way if we don't hold this President accountable for his actions. The President, of course, sug-

gested that anyone who criticizes his illegal wiretapping program doesn't understand the threat we face. But we do. Every single one of us is committed to stopping the terrorists who threaten us and threaten our families. Defeating the terrorists is our top national priority. And we all agree that we need to wiretap them to do it. We all agree on that. In fact, it would be irresponsible not to wiretap terrorists. But we have yet to see any reason at all why we have to trample the laws of the United States to do it.

The President's decision that he can break the law says far more about his attitude toward the rule of law than it does about the laws themselves. This goes way beyond party and way beyond politics. What the President has done is to break faith with the American people.

In the State of the Union, he also said that we must always be clear in our principles "to get support from our friends and allies that we need to fight terrorism."

So let's be clear about a basic American principle: When someone breaks the law, when someone misleads the public in an attempt to justify their actions, they need to be held accountable. The President of the United States has broken the law. The President of the United States is trying to mislead the American people, and he needs to be held accountable.

Unfortunately, the President refuses to provide any real details about this domestic spying program. Not even the full Intelligence Committees know the details, and they were specifically set up to review classified information and oversee the intelligence activities of our Government. Instead, the President says, basically: Trust me.

Unfortunately, this is not the first time we have heard this. In the lead up to the Iraq war, the administration went on the offensive to get the American public, the Congress, and the international community to believe its theory that Saddam Hussein was developing weapons of mass destruction and even that he had close ties to al-Qaida and was somehow involved in 9/11. The President painted a dire and inaccurate picture of Saddam Hussein's capability and intent, and we invaded Iraq on that basis. To make matters worse, the administration misled the country about what it would take to stabilize and reconstruct Iraq after the conflict. We were led to believe that this was going to be a short endeavor and that our troops would be home soon.

We all recall the President's "mission accomplished" banner on the aircraft carrier on May 1, 2003. In fact, the mission was not even close to being complete. More than 2,100 total deaths have occurred after the President declared an end to major combat operations in May of 2003, and over 16,600 American troops have been wounded in Iraq. The President misled the American people and grossly miscalculated the true challenge of stabilizing and rebuilding Iraq.

In December, we found out that the President has authorized wiretaps of Americans without court orders required by law. He says he is only wiretapping people with links to terrorists. But how do we know? How do we know? We don't. The President is unwilling to let a neutral judge make sure that that is the case. He will not submit this program to an independent branch of Government to make sure he is not violating the rights of law-abiding Americans.

I don't want to hear again that this administration has somehow shown that it can be trusted. It hasn't. That is exactly why the law requires a judge to review these wiretaps. It is up to the Congress to hold the President to account. We held a hearing on the domestic spying program in the Judiciary Committee yesterday, where Attorney General Gonzalez was a witness. We expect there will be other hearings. That is a start. But it will take more than hearings to get the job done. We know that, in part, because the President's Attorney General has already shown a willingness to mislead Congress.

At the hearing yesterday, I reminded the Attorney General about his testimony during his confirmation hearings in January 2005, when I asked him whether the President had the power to authorize warrantless wiretaps in violation of criminal law. We didn't know it then, but the President had authorized the NSA program 3 years before, when the Attorney General was the White House counsel. At his confirmation hearing, the Attorney General first tried to dismiss my question as "hypothetical." He then testified that "it is not the policy or the agenda of the President to authorize actions that would be in contravention of our criminal statutes."

Wiretapping American citizens on American soil without the required warrant is in direct contravention of our criminal statutes. The Attorney General knew that, and he knew about the NSA program when he sought the Senate's approval for his nomination to be Attorney General. He wanted the Senate and the American people to think that the President had not acted on the extreme legal theory that the President has the power, as Commander in Chief, to disobey the criminal laws of this country. But he had.

The Attorney General had some explaining to do, and he didn't do it yesterday. Instead, he parsed words, argued that what he said was truthful because he didn't believe that the President's actions violated the law.

The Attorney General knew what I was asking. He knew he was misleading the committee in his response. If he had been straightforward, he would have told the committee that in his opinion, the President has the authority to authorize warrantless wiretaps. My question wasn't about whether such illegal wiretapping was going on. Similar to almost everybody else in Congress, I didn't know about the program

then. It was a question about how the nominee to be the Attorney General of the United States viewed the law. This nominee wanted to be confirmed. So he let a misleading statement about one of the central issues of his confirmation, his view of Executive power, stay on the record until the New York Times revealed the program.

The rest of the Attorney General's performance at yesterday's hearing certainly did not give me any comfort either. He continued to push the administration's weak legal arguments, continued to insinuate that anyone who questions this program doesn't want to fight terrorism, and he refused to answer basic questions about what powers this administration is claiming.

We still need a lot of answers from this administration. Let's put aside the Attorney General for now. The burden is not just on him to come clean. The President himself has some explaining to do. The President's defense of his actions is deeply cynical, deeply misleading, and deeply troubling. To find out that the President of the United States has violated the basic rights of the American people is chilling. And then to see him publicly embrace his actions and to see so many Members of Congress cheer him on is appalling.

The President has broken the law. He has made it clear that he will continue to do so. But the President is not a king, and the Congress is not a king's court. Our job is not to stand up and cheer when the President breaks the law. Our job is to stand up and demand accountability, stand up and check the power of an out-of-control executive branch.

That is one of the reasons the Framers put us here—to ensure balance between the branches of Government, not to act as a professional cheering section. We need answers, because no one—not the President, not the Attorney General, and not any of their defenders in this body have been able to explain why it is necessary to break the law to defend against terrorism. I think that is because they cannot explain it.

Instead, this administration reacts to anybody who questions this illegal program by saying that those of us who demand the truth and stand up for our rights and freedoms have a pre-9/11 view of the world. In fact, the President has a pre-1776 view of the world. That is the problem. Our Founders lived in dangerous times, and they risked everything for freedom. Patrick Henry said, "Give me liberty or give me death." The President's pre-1776 mentality is hurting America. It is fracturing the foundation on which our country has stood for 230 years.

The President cannot just bypass two branches of Government and obey only those laws he wants to obey, deciding unilaterally which freedoms still apply in the war against terrorism. That is unacceptable and needs to be stopped immediately.

Let's examine some of the President's attempts to defend his actions.

His arguments have changed over time because none of them hold up even under casual scrutiny. So he cannot rely on one single explanation. As each argument crumbles beneath him, he moves on to a new one, until that is, too, debunked, and on and on he goes.

In the State of the Union, the President referred to Presidents in American history who cited executive authority to order warrantless surveillance. But of course those past Presidents, as Wilson and Roosevelt, were acting before the Supreme Court decided in 1967 that our communications are protected by the fourth amendment, and before Congress decided in 1978 that the executive branch can no longer unilaterally decide which Americans to wiretap. The Attorney General yesterday was unable to give me one example of a President who, since 1978 when FISA was passed, has authorized warrantless wiretaps outside of FISA.

So that argument is baseless, and it's deeply troubling that the President of the United States would so obviously mislead the Congress and American public. That hardly honors the Founders' idea that the President should address the Congress on the state of our union.

The Foreign Intelligence Surveillance Act was passed in 1978 to create a secret court, made up of judges who develop national security expertise, to issue warrants for surveillance of terrorists and spies. These are the judges from whom the Bush administration has obtained thousands of warrants since 9/11. The administration has almost never had a warrant request rejected by those judges. They have used the FISA Court thousands of times, but at the same time they assert that FISA is an "old law" or "out of date" and they can't comply with it. Clearly, they can and do comply with it except when they don't. Then they just arbitrarily decide to go around these judges, around the law.

The administration has said that it ignored FISA because it takes too long to get a warrant under that law. But we know that in an emergency, where the Attorney General believes that surveillance must begin before a court order can be obtained, FISA permits the wiretap to be executed immediately as long as the Government goes to the court within 72 hours. The Attorney General has complained that the emergency provision does not give him enough flexibility, he has complained that getting a FISA application together or getting the necessary approvals takes too long. But the problems he has cited are bureaucratic barriers that the executive branch put in place and could easily remove if it wanted.

FISA also permits the Attorney General to authorize unlimited warrantless electronic surveillance in the United States during the 15 days following a declaration of war, to allow time to consider any amendments to FISA required by a wartime emergency. That

is the time period that Congress specified. Yet the President thinks that he can do this indefinitely.

In the state of the union, the President also argued that Federal courts had approved the use of Presidential authority that he was invoking. But that turned out to be misleading as well. When I asked the Attorney General about this, he could point me to no court—not the Supreme Court or any other court—that has considered whether, after FISA was enacted, the President nonetheless had the authority to bypass it and authorize warrantless wiretaps. Not one court. The administration's effort to find support for what it has done in snippets of other court decisions would be laughable if this issue were not so serious.

The President knows that FISA makes it a crime to wiretap Americans in the United States without a warrant or a court order. Why else would he have assured the public, over and over again, that he was getting warrants before engaging in domestic surveillance?

Here's what the President said on April 20, 2004:

Now, by the way, any time you hear the United States Government talking about wiretap, it requires—a wiretap requires a court order. Nothing has changed, by the way. When we're talking about chasing down terrorists, we're talking about getting a court order before we do so.

And again, on July 14, 2004: "The Government can't move on wiretaps or roving wiretaps without getting a court order."

The President was understandably eager in these speeches to make it clear that under his administration, law enforcement was using the FISA Court to obtain warrants before wiretapping. That is understandable, since wiretapping Americans on American soil without a warrant is against the law.

And listen to what the President said on June 9, 2005:

Law enforcement officers need a Federal judge's permission to wiretap a foreign terrorist's phone, a Federal judge's permission to track his calls, or a Federal judge's permission to search his property. Officers must meet strict standards to use any of these tools. And these standards are fully consistent with the Constitution of the U.S.

Now that the public knows about the domestic spying program, he has had to change course. He has looked around for arguments to cloak his actions. And all of them are completely threadbare.

The President has argued that Congress gave him authority to wiretap Americans on U.S. soil without a warrant when it passed the authorization for use of military force after September 11, 2001. Mr. President, that is ridiculous. Members of Congress did not think this resolution gave the President blanket authority to order these warrantless wiretaps. We all know that. Anyone in this body who would tell you otherwise either wasn't here at the time or isn't telling the truth. We authorized the President to

use military force in Afghanistan, a necessary and justified response to September 11. We did not authorize him to wiretap American citizens on American soil without going through the process that was set up nearly three decades ago precisely to facilitate the domestic surveillance of terrorists—with the approval of a judge. That is why both Republicans and Democrats have questioned this theory that somehow the Afghanistan resolution permitted this sort of thing.

This particular claim is further undermined by congressional approval of the PATRIOT Act just a few weeks after we passed the authorization for the use of military force. The PATRIOT Act made it easier for law enforcement to conduct surveillance on suspected terrorists and spies, while maintaining FISA's baseline requirement of judicial approval for wiretaps of Americans in the U.S. It is ridiculous to think that Congress would have negotiated and enacted all the changes to FISA in the PATRIOT Act if it thought it had just authorized the President to ignore FISA in the AUMF.

In addition, in the intelligence authorization bill passed in December 2001, we extended the emergency authority in FISA, at the administration's request, from 24 to 72 hours. Why do that if the President has the power to ignore FISA? That makes no sense at all.

The President has also said that his inherent executive power gives him the power to approve this program. But here the President is acting in direct violation of a criminal statute. That means his power is, as Justice Jackson said in the steel seizure cases half a century ago, "at its lowest ebb." A recent letter from a group of law professors and former executive branch officials points out that "every time the Supreme Court has confronted a statute limiting the Commander-in-Chief's authority, it has upheld the statute." The Senate reports issued when FISA was enacted confirm the understanding that FISA overrode any pre-existing inherent authority of the President. As the 1978 Senate Judiciary Committee report stated, FISA "recognizes no inherent power of the president in this area." And "Congress has declared that this statute, not any claimed presidential power, controls." Contrary to what the President told the country in the State of the Union, no court has ever approved warrantless surveillance in violation of FISA.

The President's claims of inherent executive authority, and his assertions that the courts have approved this type of activity, are baseless.

The President has argued that periodic internal executive branch review provides an adequate check on the program. He has even characterized this periodic review as a safeguard for civil liberties. But we don't know what this check involves. And we do know that Congress explicitly rejected this idea of unilateral executive decisionmaking in this area when it passed FISA.

Finally, the President has tried to claim that informing a handful of congressional leaders, the so-called Gang of Eight, somehow excuses breaking the law. Of course, several of these Members said they weren't given the full story. And all of them were prohibited from discussing what they were told. So the fact that they were informed under these extraordinary circumstances does not constitute congressional oversight, and it most certainly does not constitute congressional approval of the program. Indeed, it doesn't even comply with the National Security Act, which requires the entire memberships of the House and Senate Intelligence Committee to be "fully and currently informed of the intelligence activities of the United States."

In addition, we now know that some of these Members expressed concern about the program. The administration ignored their protests. Just last week, one of the eight Members of Congress who has been briefed about the program, Congresswoman JANE HARMAN, ranking member of the House Intelligence Committee, said she sees no reason why the administration cannot accomplish its goals within the law as currently written.

None of the President's arguments explains or excuses his conduct or the NSA's domestic spying program. Not one. It is hard to believe that the President has the audacity to claim that they do. It is a strategy that really hinges on the credibility of the office of the Presidency itself. If you just insist that you didn't break the law, you haven't broken the law. It reminds me of what Richard Nixon said after he had left office: "Well, when the President does it that means that it is not illegal." But that is not how our constitutional democracy works. Making those kinds of arguments is damaging the credibility of the Presidency.

And what's particularly disturbing is how many Members of Congress have responded. They stood up and cheered. They stood up and cheered.

Justice Louis Brandeis once wrote:

Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.

The President's actions are indefensible. Freedom is an enduring principle. It is not something to celebrate in one breath, and ignore the next. Freedom is at the heart of who we are as a Nation, and as a people. We cannot be a beacon of freedom for the world unless we protect our own freedoms here at home.

The President was right about one thing. In his address, he said "We love our freedom, and we will fight to keep it."

Yes, Mr. President. We do love our freedom, and we will fight to keep it.

We will fight to defeat the terrorists who threaten the safety and security of our families and loved ones. And we will fight to protect the rights of law-abiding Americans against intrusive Government power.

As the President said, we must always be clear in our principles. So let us be clear. We cherish the great and noble principle of freedom. We will fight to keep it, and we will hold this President and anyone who violates those freedoms accountable for their actions.

In a nation built on freedom, the President is not a king, and no one is above the law.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. LEVIN. Mr. President, there is a compelling need to reform the current asbestos litigation process. This process is not fair to workers, including many who have become ill through exposure to asbestos. There are people who are not impaired who have received compensation, and there are many claimants that have been injured by asbestos exposure who have not received compensation. It is not fair to businesses for a host of reasons. The status quo is not acceptable.

I do have several substantive issues with S. 852, The FAIR Act. I have spent a great deal of time over the past few months working with the sponsors of S. 852, including Senators SPECTER and LEAHY, seeking to make changes that would improve the bill from my perspective.

For instance, I wanted to see more money go to mesothelioma victims who have dependents and to ensure that in a budget neutral manner, the money didn't come from other terminally ill victims. The sponsors of the bill have agreed to support the following language to address my concerns:

The Administrator may increase awards for Level IX claimants who have dependent children so long as this provision is cost neutral. Such increased awards shall be paid for by decreasing awards for claimants other than Level IX, so long as no award levels are decreased more than 10 percent.

Another issue for me was to protect companies that might be required to contribute to an asbestos trust fund, and have their insurers contribute, but that have no assurance that the company's own claims will be satisfied. The sponsors have agreed to an added criteria which would allow a company to apply for a decreased payment for their annual assessment into the trust to protect again that outcome. That criteria would be:

When measured against the likely cost of past and potential future claims in the absence of the Act.

A third problem I wanted to see addressed related to companies that should not be required to participate in the asbestos trust fund because they have disposed of all of their known previous claims. The sponsors of the bill have agreed to support the following language to address my concern:

... subject to the discretion of the Administrator, [a company may] be exempt from any payment obligation if such defendant participant establishes with the Administrator that it has satisfied all past claims and that there is no reasonable likelihood in the absence of the Act of any future claims for whose costs the defendant participant might be responsible. . . .

A fourth issue that concerns me is in the area of attorney's fees in both (a) past cases that are moved into the trust fund from the tort system and (b) new administrative claims in the asbestos trust fund. The former situation could be highly unfair and even confiscatory while in the case of the latter the fee is so low as to constitute as a deterrent to both filing future claims and appeals. The sponsors of the bill have agreed to language relative to (b) that reads in part that attorneys will be able to "obtain a reasonable attorney's fee, which shall be calculated by multiplying a reasonable hourly rate by the number of hours reasonably expended on the individual's claim." My concern relative to (a) remains unaddressed.

I have additional concerns about S. 852. I am concerned about the current severability provision in the bill. There are many contentious issues in S. 852 that many observers expect will be litigated including the constitutionality of incorporating existing asbestos trust funds into this one. There are also restrictions on tort cases in this bill, which if triggered by the fund's nonviability will limit the possible venues for filing future asbestos claims. The availability of such restrictions may lead companies to resist payments to the fund, thereby contributing to its nonviability because they obtain restrictions on tort claims in that event. That is not a wise incentive. Therefore, I support a nonseverability clause for certain sections of the bill and the sponsors have indicated a willingness to consider it.

There are other issues that have been raised by a number of colleagues with this bill. Some of those issues include the constitutional issues involved in the of "taking" the existing asbestos trust funds; the lack of a contribution structure for the \$46 billion of insurance industry contributions; the special consideration given in this bill to the residents of one community; the lack of an adequate startup provision which would trigger a return to the tort system if the trust fund never gets going and the lack of an appropriate sunset trigger which would also provide for the fund to dissolve if claims go unpaid and allow people to go back to court.

Based on my discussions with the managers, I will support the motion to proceed to S. 852. My future position on the legislation will depend on the content of the bill after it is amended.

Mr. LEAHY. Mr. President, this evening, Senators will finally have the opportunity to vote to consider legislation which has been publicly debated and considered for several years. It is a bipartisan bill that is the product of lengthy and conscientious negotiation. We have held dozens of public hearings and committee markups. It has been an exemplary process.

I see the distinguished Senator from Pennsylvania in the Chamber. He has arranged—I have lost count of the number of meetings where people from across the spectrum, political and otherwise, have had a chance to be heard—businesses, victims, labor, industry, everybody. It has been a great process. But with every day we delay consideration of this bill, victims are dying and more companies are going bankrupt. Both are tragedies for the families and victims, as well as for the workers and retirees and for the families who built these companies.

The time has now come to pass this legislation. Victims have been waiting long enough for a comprehensive national solution. I hope all Senators will support the motion to proceed to this legislation. It has earned the support of many organizations that represent the victims of serious asbestos exposures.

Asbestos disease has tragically weighed heavily on one group in particular—our Nation's war veterans. These brave veterans are unable to receive compensation under our current system, and they have asked Members of Congress—both parties—over and over again for help. The Military Order of the Purple Heart noted in its last letter of support that "the FAIR Act is the only viable solution for sick veterans."

We all speak of our support of veterans, as we should; all Americans should. That should not be partisan. But here is one way to help a class of veterans who are not going to get any help otherwise.

More than 30 organizations representing veterans, as I noted on the floor yesterday, have supported this piece of legislation. But we have also received renewed letters of support from the International Association of Heat and Frost Insulators and Asbestos Workers Union, the International Union of United Automobile, Aerospace and Agricultural Implement Workers, otherwise known as the UAW, and the International Union of Painters and Allied Trades. They represent literally hundreds of thousands of families who have suffered. They support this because, as they say, they are "firmly convinced it would be far superior to the current tort system in compensating the victims of asbestos-related diseases."

It has not been easy getting to this point. It has taken years and years of

work. It is not line for line the bill I would have written; it is not line for line the bill the distinguished Senator from Pennsylvania, Mr. SPECTER, would have written. Both of us went in with the idea that we would find a bill that would get the broadest support possible but also a bill that would help as many victims as possible. I believe this does it.

Think of what is going to happen if you are going to have thousands of people who never get help and dozens more companies go bankrupt on top of the 70 that have already gone bankrupt.

Supreme Court Justices as diverse in philosophy as the late Chief Justice William Rehnquist and Justice Ruth Bader Ginsburg have pled, publicly pled with the Congress to come up with legislation to solve this problem. Right now, litigation—many times—helps only those litigators, both defense and plaintiff, and very little help to the companies or the victims.

The problems we are addressing are complex. This bill necessarily reflects these complexities. Drafting was not easy. The compromises we had to make were difficult but necessary to ensure that we created a trust fund that would provide adequate compensation to the thousands of workers who have suffered and continue to suffer the devastating health effects of asbestos.

The tragic history of asbestos use in our country has to come to an end. We Senators first and the other body next have the chance to bring this to an end. The President has said he would sign such legislation if we can pass it. This is not a Democratic or Republican issue; this is an issue for all Americans.

I join with the President, I join with my Republican colleagues, and I join with my Democratic colleagues who have supported this. In fact, under a provision authored by Senator MURRAY of Washington State which we have included, which was accepted during the last Congress by the Judiciary Committee, this bill will ban the maintenance and distribution of asbestos. This whole thing can come to an end so victims can get help.

We have to halt the harm asbestos creates, and we have to ameliorate the harm it has already caused. The industrial and insurer participants in the trust fund will gain the benefits of financial certainty and relief from the stresses of litigation in the tort system, and victims will have a quicker and more efficient path to recovery.

Chairman SPECTER, Senator FEINSTEIN, Senator BAUCUS, and my colleagues from both sides of the aisle on the Judiciary Committee are working hard with me on this bipartisan legislation. Let this go forward today. Let us bring this to a halt. Help us bring sur-
ety.

I urge Senators to let us move toward solving this problem by considering our bipartisan bill to at long last help solve the asbestos problem by providing fair compensation to victims of asbestos exposure.

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

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

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Vermont, the ranking member on the Judiciary Committee, for his comments. I compliment him on his comments and on his work on the asbestos bill—on his entire career in the U.S. Senate, 31 years, but especially in the past year and 1 month, 13 months, where he and I have been ranking member and chairman of the Judiciary Committee, and the cooperation which we have had. We have had some disagreements, but very few, and when there have been disagreements, they have been on matters of policy as opposed to anything to undercut the collegiality of the work of the Judiciary Committee. I can think of some votes—there are bound to be differences on votes—but I think we have carried the committee a long way with class action, bankruptcy, and moving through the disagreements and filibuster versus the nuclear option on the circuit judges and Chief Justice Roberts and Justice Alito not all agreements but in large measure—and then coming to the asbestos bill, which has been as tough as any legislation I have ever seen.

I made a statement yesterday which may have been a little excessively sweeping, but the asbestos bill is a complicated bill.

The ACTING PRESIDENT pro tempore. Under the previous order, the time between 5:40 and 5:50 is reserved for the Democratic leader, and 5:50 until 6:00 is reserved for the majority.

Mr. SPECTER. Mr. President, I ask unanimous consent that I have the last 10 minutes as the surrogate of the majority leader. I will yield and conclude my comments when my time comes.

Mr. LEAHY. Mr. President, will the distinguished Democratic leader allow me 20 seconds to refer to what the distinguished Senator from Pennsylvania just said?

Mr. President, the distinguished Senator from Pennsylvania is my friend—a friend from the days when we were prosecutors together. I am very touched by what he said. The Judiciary Committee handles some of the most difficult issues there are. I enjoy working with him because of his own ability and because of that friendship.

The ACTING PRESIDENT pro tempore. The Democratic leader.

Mr. REID. Mr. President, will my 10 minutes start running from this time?

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

Mr. REID. Mr. President, we have a crisis facing the American people, a

crisis which causes the death of 10,000 people each year. In addition to the 10,000 deaths each year, hundreds of thousands of people are suffering from lung conditions that are most debilitating.

The crisis which confronts us is not an asbestos litigation crisis; it is an asbestos-induced disease crisis. We are told by experts that the problem will get worse, not better. It will peak about 10 years from now. Litigation has not caused the deaths, the pain, the suffering, the lost wages, the medical bills; asbestos has caused the deaths and the suffering.

I have said on a number of occasions—I say it today—that of course I would support a fair and equitable piece of legislation, legislation which would favor the victims, not a few very large corporations.

Senators LEAHY and SPECTER have worked very hard on this legislation and on things they do on the Judiciary Committee. I understand that. But hard work doesn't always lead to good legislation.

I have served in Congress 24 years. There may be an occasion when Senator LEAHY and I have voted opposite one another; I just do not remember when that was. We virtually agree on everything we do. So I am sorry that on this piece of legislation we must disagree.

Powerful corporate interests have fought throughout this process to escape responsibility—a paradigm shift from what they should pay to what they are willing to pay. This is not the American way. The bill before us is based on faulty and questionable guesses, not estimates. To make it even worse, little relevant information has been made public.

The legislation before the Senate is unfair to the victims, to the veterans—they would be much better off without this legislation—to the insurance industry, most businesses, the American taxpayer, and, of course, our judicial system. I rise again to express my strong opposition to the asbestos bill before the Senate. As I have just said, it is unfair to victims, veterans, the insurance industry, most businesses, and, of course, the American taxpayers.

I oppose this legislation because it will not buy justice regarding asbestos exposure. It deprives victims of their legal rights and gives them a trust fund that will not work and will not provide adequate compensation. One would have to search long and hard to find a bill, in my opinion, as bad as this.

Asbestos disease kills thousands of Americans every year—10,000 to be exact. The cases of disease and death caused by asbestos exposure are not abstractions. I have received countless letters from victims of asbestos-related diseases and their families. Each shares another story of loss and pain.

All the leading organizations representing asbestos victims oppose this bill—the Committee to Protect Mesothelioma Victims, asbestos disease

awareness organizations, the Asbestos Victims Organization. The White Lung Association wrote a letter February 1 to me and to Senator FRIST. It said:

We do not want this proposed government policy forced upon us. We believe the program will fail to treat victims fairly while benefitting the very companies that cause the problem.

It was for the sake of these victims that today I introduced a Senate resolution designating April 1 of this year as National Asbestos Awareness Day. Introducing this resolution was one small step in an effort to raise awareness of this dangerous substance and the painful effects that exposure to asbestos has caused throughout the country.

It is my hope that designating another National Asbestos Awareness Day will serve as a reminder that exposure to asbestos remains a very bad problem in this country. Asbestos-induced illnesses continue to kill or disable Americans at alarming rates. Our resolve to adequately protect the rights of these victims must not falter.

One thing we should do for asbestos victims is to defeat the flawed legislation now before the Senate. Approximately 150,000 individual victims of asbestos exposure and their families have petitioned the Senate to communicate their opposition to this legislation. I have a few of the 150,000 names. We have boxes and boxes of these petitions. These petitions say:

We, the undersigned, hereby petition the United States Senate on behalf of the victims of asbestos poisoning.

We are the victims of asbestos poisoning and families and friends of the victims who are opposed to Senate bill 852, the "FAIR ACT."

Although the Bill's Senate sponsors intend to help victims, this bill only helps a few large companies at the expense of the victims of asbestos poisoning and most businesses.

In addition to our opposition, we observe that the bill is also opposed by most insurance companies, numerous businesses, and most labor unions.

The reasons we oppose S. 852 are as follows:

(1) The bill does not provide a reliable mechanism for providing compensation quickly to the victims of asbestos poisoning. If anything, the Bill backtracks on protections already promised by the Senate in an earlier version which passed in the Judiciary Committee with substantial bipartisan support.

(2) If the Trust Fund runs out of money, as predicted by some experts, the Bill does not contain reliable sunset provisions. Victims will be left in limbo.

(3) In many instances, the compensation for victims is far less than victims' actual damages and far less than we currently receive in the judicial system.

(4) The Bill allows companies to renege on settlement commitments and settlement trust amounts already promised and set aside for victims and their families.

(5) The Bill does not have reliable, transparent funding mechanisms. Instead, it sets up a complex system of administrative challenges and court challenges that will allow companies to contest their funding obligations.

(6) Contrary to prior Senate commitments contained in earlier versions of the Bill, this

Bill will stop the current system of compensation before an up and running reliable system is established to take its place.

(7) This Bill was written to benefit a group of companies who have spent a fortune lobbying for its passage to the detriment of other companies and insurers who have promised to fight the Bill in the courts. This will result in further delays all to the further detriment of all victims of asbestos poisoning.

Mr. President, there are 150,000 signatures with their names and addresses. I will not ask it be made part of the record, of course.

I will use leader time now. I mentioned yesterday on the Senate floor that there were some businesses that were not being treated fairly. I mentioned them by name, and I will run over a couple of them again: Foster Wheeler Company, an international engineering and construction company with 4,000 U.S. employees, has stated in recent SEC filings the company does not expect to fund any asbestos-related costs from the company's cash flow. Yet as a Tier II defendant participant would be required to pay at least \$19.5 million per annum into the trust fund. This requirement, along with the separation of the company from its insurance assets, jeopardizes its long-term financial viability.

The A.W. Chesterton Company, founded in 1884, would also file bankruptcy. They have 2,000 employees.

Hopeman Brothers, in Waynesboro, VA, is still privately owned by the Hopeman family. It has finished the interiors and outfitted ships since it first worked in Sun Shipyard in Chester, PA, in 1916. Hopeman bought significant liability insurance, much of which remains unused today. Stripping Hopeman of its insurance coverage and then imposing a cash-pay obligation will drive the company into bankruptcy.

Okonite Company, founded in 1876, is the only company in America that makes wire. They will be forced to file bankruptcy if this bill passes.

These are only four of hundreds and hundreds of companies that will be forced into bankruptcy.

Each one of the 150,000 signatories on these petitions are a real concern. Each one of the 10,000 Americans who will die from asbestos exposure this year have tragic stories. Each will leave behind a family which will never be whole again. Each one is counting on us in the Senate to preserve their right to obtain compensation for the harm caused to them and their families by asbestos exposure, just as these companies want fairness.

Opposition to the FAIR Act is not limited to individual victims. Many workers have been exposed to asbestos, as I outlined yesterday, and their unions have been fighting to ensure fair treatment for them. Virtually every major union has concluded that this bill does not meet the needs of their workers: The AFL-CIO, the Change to Win Federation, Steelworkers, International Brotherhood of

Boilermakers, Laborers International, and on and on.

Beyond unions, most small- and medium-sized businesses oppose this bill, as do the vast majority of insurance companies. They know it will not work.

This bill deprives victims of their legal rights and replaces the tort system with a trust fund that is doomed to failure. Experts who have reviewed the bill conclude that the trust fund will be underfunded and will quickly become insolvent.

This morning, the Bates White Research Firm, a prominent, eminent consulting firm offering services to Fortune 500 companies and government agencies—Dr. Bates developed a computer model of the incidence of asbestos-related diseases. Without going into their resume, I ask unanimous consent it be printed in the RECORD.

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

BATES WHITE

Bates White, LLC (Bates White) is a national consulting firm offering services in economics, finance, and business analytics to leading law firms, FORTUNE 500 companies, and government agencies.

Their Environmental & Product Liability (EPL) practice offers economic consulting, litigation support, class certification, and liability estimation services. The business is based on the use of analytical tools to help clients understand and quantify potential liabilities. They have extensive experience in asbestos and provide expert testimony in both bankruptcy and coverage litigation, as well as expert opinions with regard to insurance valuation, due diligence evaluations, and financial reporting services. Through the course of this work, Bates White has seen claims data from numerous defendants and insurance companies. The knowledge gained across all of those matters has been invaluable in assessing the financial viability of S. 852.

As part of our work in asbestos-related matters, Bates White has led the development of several highly sophisticated, customized analytical tools that estimate clients' future asbestos liability from personal injury and property damage lawsuits. In the early 1990s, Dr. Charles Bates developed a computer model of the incidence of asbestos-related malignant diseases. Over the years, Bates White has performed ongoing research to improve this model. This state-of-the-art model became the industry standard. More recently, Bates White has pioneered research on the recruitment of non-malignant claimants, and challenged epidemiological-based forecasts of future non-malignant claims.

In addition to research on asbestos matters, Bates White has analyzed the historical U.S. usage of tobacco from 1920 through 2002. This research provides us the smoking history of potential lung cancer patients who could qualify under S. 852.

Mr. REID. They found that the CBO underestimated the number of cancer victims who will likely file claims with the fund. Based on this and other factors, Bates White concluded that the real cost estimate for the trust fund should be double what it now is.

During floor debate this morning, the distinguished senior Senator from Pennsylvania, the chairman of the Judiciary Committee, explained what will

happen if the trust fund runs out of money. He said:

We have within the structure of the bill a vision that the administrator can make a reevaluation going through certain preconditions so if it looks like we will exceed the \$140 billion we can make modifications in medical standards and criteria and stay within the \$140 billion.

In other words, if the fund runs short, fewer victims are eligible or those who are eligible will get less money. So there are real consequences to this underfunded trust fund. It will hurt victims. The only alternative is that taxpayers will be left to fund the shortfall.

Even if the trust fund was adequately funded, the claim system established by the FAIR Act is fraught with defects that would prevent many victims from recovering what they deserve.

First, startup provisions are unfair. As soon as the bill is enacted, the ability of asbestos victims to claim compensation in the court system is cut off. There is no better example of this than what happens to veterans. Also, the bankruptcy court trust funds that are now compensating victims will be shut down, depriving victims of needed compensation.

Second, the bill is unfair to victims with pending or settled court cases. Rather than permit asbestos claims to continue in court while the fund is being established, the bill imposes an immediate 2-year stay of nearly all asbestos cases. The bill's language is so broad that a trial about to begin would be stopped and an appellate ruling about to be handed down would be barred.

Third, the sunset process under the legislation leaves too much uncertainty. If the fund fails to operate as promised, instead of allowing victims to return to court, this legislation allows the administrator of the fund to allow or recommend any number of measures he feels important to salvage the program. As Senator SPECTER said this morning, this means that fewer victims may recover.

Fourth, the bill requires some victims to prove that asbestos was a "substantial contributing factor" to their disease, a higher burden than victims must meet in court, where it is sufficient to show that asbestos exposure was a contributing factor, no matter how substantial a factor.

I want to make sure Senator SPECTER has time to complete his statement, so I ask the time for the vote, which is now set for 6 o'clock, not begin at that time so Senator SPECTER is allowed time to finish his statement.

The ACTING PRESIDENT pro tempore. That is the result of the Senator using his leader time.

Mr. REID. I want to make sure the Senator from Pennsylvania understood that.

The whole concept of no-fault trust fund is that it is nonadversarial, but the higher burden of proof creates the very likely potential for endless litigation and a high number of rejected cases.

These are a few of the problems that make the FAIR Act—and again, as I said yesterday, the FAIR Act? We should be used to these Orwellian terms after naming legislation "Leave No Child Behind," "The Clear Skies Initiative," "Healthy Forests," "Budget Deficit Reduction Act," all of which do the opposite of what they say. It is my opinion, to which I am entitled, that the FAIR Act is part of that, again.

I have always favored improvements in the way asbestos victims were compensated. This bill does not accomplish that goal.

We have heard a lost talk about the managers' amendment to this bill. Apparently, the sponsors are telling Senators that we will take care of your concerns in the managers' amendment. The problem with this approach is that no one except the sponsors can know how the pieces of the managers' amendment will fit together. Since the sponsors are trying to satisfy Senators with conflicting concerns, there is every reason to believe that different elements of the managers' amendment will move in different directions.

For example, one Senator may want to expand eligibility under the trust fund for compensating asbestos victims. A different Senator may want to limit the amount of money paid into the trust fund. The first part of the managers' amendment may expand the number of victims, but the second part may limit the amount of money available to all victims. Both Senators may have their language included, but the final result may be completely unworkable and unsatisfactory.

This is not the right way to legislate. These amendments should be offered individually so that all Senators can evaluate them on their individual merits, and after all the amendments are offered and voted on, Members can evaluate the total product when they vote on final passage. Certainly, Members should not commit their support to the final bill until they see how the conflicting pieces to the managers' amendment fit together.

I believe it has been good for the Senate to spend time debating the motion to proceed. We focused attention on what some believe are flaws in the process leading to the Senate consideration of the bill and the flaws of the bill itself. Now we are ready to debate the bill on its merits. I welcome that debate.

I offered to vitiate this vote and begin consideration of amendments to the bill on Thursday. This was rejected. I will now support cloture and encourage Senators to do the same.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I note the Senator from Nevada has spoken for 18 minutes, taking some leader time, and the 10 minutes allocated under the unanimous consent. I ask unanimous consent Senator MCCONNELL and I may be accorded the same amount of time.

Mr. REID. No objection.

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

Mr. REID. That is together, not individually—not 36 minutes?

Mr. MCCONNELL. Right.

Mr. REID. No problem.

Mr. SPECTER. Mr. President, when I yielded the floor as 5:40 arrived, I was in the middle of commenting about the work which the distinguished ranking member, Senator LEAHY, and I had done on this bill and the spirit of collegiality and the spirit of bipartisanship which has characterized the work of the Judiciary Committee the past 13 months.

Senator LEAHY and I have worked together as ranking member and as chairman. This bill represents very substantial work and analysis as to how we have gotten there.

When the Senator from Nevada talks about the debate being useful up to the present time, I tabulate three Senators who spoke in opposition to the bill. And a good bit of what they have had to say is in error factually on the merits.

This bill has been subjected to more analysis, more discussions—I was saying before I yielded the floor when time had arrived for the minority leader—than any bill in the history of legislation. I acknowledge that as a very grandiose statement because I do not know all of the legislative bills that have been considered in the history of the legislative process. But I make that assertion based upon what has been done, which I detailed yesterday, with Judge Becker, a senior Federal judge, and I hosting some 36 meetings, attended by 20, 30, 40, sometimes as many as 60 people, and the numerous meetings which Judge Becker has had on a volunteer basis, and the many meetings I have had with individual Senators.

I have talked to many Senators, several dozen Senators, perhaps a majority of the Senators, on an individual basis, either visiting in their offices or on the Senate floor or in the corridors, in order to acquaint Senators with what is going on.

The assertions which have been made simply are not factual. I am pleased to note the Senator from Nevada has stated his intention to vote for cloture and that we are going to be going on to debate the bill on the merits. Yesterday, the Senator from Nevada was more than firm in his opposition to the bill. And I think it fair to say I was at least equally firm in what I had to say by way of response. But there are the votes present without the vote of the Senator from Nevada to invoke cloture and to proceed to a discussion on the merits. When we do proceed to a discussion on the merits, we will have a chance to answer in detail the misunderstandings which have been articulated in the debate so far.

One Senator who spoke in opposition to the bill talked about secrecy, that

nobody knew who was going to pay the money. The language—there was a quote—“contained in a secret list known only to the asbestos study group. . . .” “None of the relevant information has ever been made public.” Well, factually that is just not correct.

The Judiciary Committee had to issue a subpoena, but we know who is paying how much money. That is a matter that can be looked at by Senators or by their staffs. But it has been retained on a confidential basis because there could be a problem for the companies if these factors were disclosed.

Then another comment made by one of the three Senators who spoke in opposition to the bill, that the “United States Government will be making a commitment to compensate hundreds of thousands of seriously ill asbestos victims. . . .” Well, that is factually just not correct.

This bill is airtight that the Federal Government has no financial obligation, and that if there is an effort to impose a budget point of order, and it is considered on the merits, that it will not impede the movement of this bill forward. The budget point of order will not be sustained because there is no Federal money. Technically, it goes through the Department of Labor, so it is calculated as a Federal expenditure, but there is no Federal money involved.

The Senator from Nevada has gone through a list of objections he has, and as we are now moving to debate—after this evening’s vote—the bill on the merits, we will have a chance to explore those in detail.

When the Senator from Nevada talks about Foster Wheeler, illustratively, I personally have met with Foster Wheeler on a number of occasions, as recently as 10 days ago. And we are still seeing if we can accommodate the concerns of Foster Wheeler.

We have gone a long way to see to it that companies will not be adversely affected financially, on exclusion of small business, a matter detailed at some length by Senator FEINSTEIN in her comments on the floor today, and on a hardship fund of some \$300 million a year, and by an amendment which we are in the final stages of negotiation to limit the amount of money that companies with lesser gross revenues will have to pay, all of which is directed—

The ACTING PRESIDENT pro tempore. The Senate is not in order.

The Senator from Pennsylvania.

The Senate will be in order.

Mr. SPECTER. I am not going to ask for any additional time, Mr. President, because of the interruptions and the disorder—all of which is directed—to finish my sentence—to the companies which sustained financial hardship.

I made a repeated offer, yesterday and today, in speaking about the bill, inviting any Senator who has a constituent who has a problem to come talk to us. We will try to work to a solution of the problem. And you do not

have to have a Senator if you are a constituent. If anybody is watching these proceedings on C-SPAN2, come to my office. My staff and I, Senator LEAHY and his staff, and the Judiciary Committee generally, will try to find an accommodation and an answer.

The Senator from Vermont is back on the floor. I am glad he has come back because I wanted to make this comment about the bipartisanship of the Judiciary Committee, what we have accomplished, as a sign for what this body can do.

It is an open secret that the rancor and the partisanship and the bickering is at an all-time high in the Senate—an all-time high. And there is much talk about the good old days when there was comity and there was collegiality in the Senate.

Well, Senator LEAHY and I have restored that to the Judiciary Committee. And we have produced this bipartisan bill on asbestos reform. We do not make any representation that it is a perfect bill or that it is a bill which cannot be improved. We are open for business to improve and change the bill.

But that brings me to a New York Times editorial which I think is of note as to what PAT LEAHY and ARLEN SPECTER have accomplished with our committee and what this body can accomplish. This is what the New York Times had to say. In a complimentary line, they refer to the assiduous effort that PAT LEAHY and ARLEN SPECTER made, and then say: That makes it a 21st-century rarity: a thoughtful bipartisan compromise on a vexing national problem.

I think it is a sad day for the Senate, a very sad day, when it is a 21st-century rarity that there is a thoughtful, bipartisan compromise on a vexing national problem.

We have a great many vexing national problems. I believe they can be solved on a bipartisan effort so it does not become a 21st-century rarity. I am glad to see that however we have gotten there, that the votes were present by mid-afternoon to shut off this filibuster and that we can now go forward to debate on the merits so the American people can see our analysis of the problems and our proposed solutions and our openness to modifications to produce the best possible bill because the system which we have at the present time is an anathema and a travesty and unworthy of the American judicial system.

I thank the Chair and yield to my distinguished colleague, the assistant majority leader.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. MCCONNELL. Mr. President, we are about to have the cloture vote, and it is going to take a minute to thank Senator SPECTER and Senator LEAHY for this extraordinary compliment from the New York Times. I do not think it is an experience the Senator from Kentucky has ever had.

This cloture vote is going to be approved. We learned about an hour ago that the Democratic leader has decided to support the cloture vote, and I think that is good. We would prefer to have been on this bill last Friday. Senator SPECTER was here and ready to work, ready to process amendments last Friday. But here we are on Tuesday night.

So let me say I think it is good for the Senate that this cloture is going to be invoked. We are ready to get on the bill. I heard the Democratic leader offer to begin tomorrow. I think that is a good idea. Senator SPECTER will be here in the hopes that amendments will be offered and processed. We are prepared to deal with that tomorrow and through the days until we can reach a point of conclusion.

So, Mr. President, I do not know how much time I have remaining, but so that we may move forward and vote, I am prepared to yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 131, S. 852: A bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Bill Frist, Arlen Specter, Jeff Sessions, Pat Roberts, Lamar Alexander, Lisa Murkowski, Johnny Isakson, Richard M. Burr, Wayne Allard, Mitch McConnell, Mike DeWine, George V. Voinovich, Jim Talent, David Vitter, Bob Bennett, Mel Martinez, Ted Stevens.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 852, the Fairness in Asbestos Injury Resolution Act of 2005, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 98, nays 1, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—98

Akaka	Bennett	Bunning
Alexander	Biden	Burns
Allard	Bingaman	Burr
Allen	Bond	Byrd
Baucus	Boxer	Cantwell
Bayh	Brownback	Carper

Chafee	Harkin	Nelson (NE)
Chambliss	Hatch	Obama
Clinton	Hutchison	Pryor
Cochran	Inouye	Reed
Coleman	Isakson	Reid
Collins	Jeffords	Roberts
Conrad	Johnson	Rockefeller
Cornyn	Kennedy	Salazar
Craig	Kerry	Santorum
Crapo	Kohl	Sarbanes
Dayton	Kyl	Schumer
DeMint	Landrieu	Sessions
DeWine	Lautenberg	Shelby
Dodd	Leahy	Smith
Dole	Levin	Snowe
Domenici	Lieberman	Specter
Dorgan	Lincoln	Stabenow
Durbin	Lott	Stevens
Ensign	Lugar	Sununu
Enzi	Martinez	Talent
Feingold	McCain	Thomas
Feinstein	McConnell	Thune
Frist	Menendez	Vitter
Graham	Mikulski	Voinovich
Grassley	Murkowski	Warner
Gregg	Murray	Wyden
Hagel	Nelson (FL)	

NAYS—1

Inhofe

NOT VOTING—1

Coburn

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LOTT. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, although I voted to proceed to the bill I have strong concerns with this legislation.

I am concerned that this bill will take away the rights of asbestos victims to have their day in court while providing no guarantees that they will receive fair and prompt compensation. This bill and its payment structure could bankrupt small businesses, with many of them shouldering a larger financial burden under the bill than they currently do in the court system. Many of these small businesses are not the evildoers here, but due to the payment structure of the bill, they will find themselves shouldering a large portion of the liability.

I support the concept of a nonadversarial process to provide compensation to victims but a process that is fair to all the parties involved. I believe that this bill falls short, and while I voted for cloture I intend to vote against final passage of this bill unless significant changes are made.

THE FUNERAL OF CORETTA SCOTT KING

Mr. FRIST. Mr. President, in a few moments, we will be closing down for the evening. But I did want to comment very briefly upon the wonderful experience that I and nine other of our colleagues had over the course of today as we attended the funeral of Coretta Scott King at the New Birth Missionary Baptist Church, down right just outside of Atlanta.

We had a bipartisan delegation that left early this morning, joined by a House delegation, joined also, as most people know, by the President and the First Lady and three prior Presidents, for what was, indeed, a memorial service in many ways but, in truth, a great celebration for a great woman. She leaves a legacy of leading with grace. Few people have ever had the opportunity of knowing someone like that. That was reflected in many comments over the course of the day at the funeral.

As a wife, as a mother, as a civil rights leader, Mrs. King joins this large pantheon of great Americans whose courage and whose dignity, whose boldness, whose tireless pursuit of social justice transformed not only a generation but the dreams and expectations of generations to follow. Over the course of the statements and having the opportunity to circulate among people who attended, the real global impact of this woman, as I said, leading by grace, focused on freedom and opportunity and social justice, was so apparent.

Born in April of 1927 on a family farm down in Marion, AL, she grew up during the Depression in the segregated South and early on experienced firsthand the unfairness and the racial injustice that had coursed through American life.

As a child—and we learned through many stories over the course of today—she would walk miles every day to attend a poor, one-room elementary school where her neighbors, White neighbors, road the bus in comfort to an all-White school that was close by. She was walking 5 miles a day.

But as Coretta herself would say in later years, before she was a King, she was a Scott, Coretta Scott King. As a Scott growing up in segregated Alabama, her parents taught her strength, taught her boldness, sharing that wisdom with her. It was this strength translated through great dignity over the course of her life that came to define her and to radiate from her from the very beginning and throughout her life.

There was much discussion and reflection on her faith, her innate strength and graciousness, all of which supported her through times, as many of the speakers and presenters today talked about, of extraordinary trials and suffering.

Today, while millions of people around the world watched, there were four U.S. Presidents, I believe there

were 13 colleagues—14 Senators, 13 of my colleagues—dozens of Congressmen, clergy, community leaders, thousands of admirers, people from around the world, from South Africa, who spoke today, also celebrating the life and contributions of Coretta Scott King, the first lady of the civil rights movement and, as we heard from South Africa, the first international lady of the civil rights movement.

I think all of us who went, and many people who shared this service on their televisions today, were humbled by her example. You can't help but to be lifted by her spirit. Oprah Winfrey observed yesterday at the Ebenezer Baptist Church in Atlanta—and I did have the opportunity to share one Martin Luther King Day with the King family and with Coretta Scott King; I believe it was 3 years ago, at the Ebenezer Baptist Church—that the great Reverend Martin Luther King, Jr., often preached that Mrs. King, “leaves us all a better America than the America of her childhood.”

She leaves behind a tremendous legacy and a great challenge to all of us; that is, to lead our lives—and very much the thematic today was a real celebration but what are we all going to be doing tomorrow? Are all our thoughts going to be similar to what her thoughts were the day after her husband was assassinated, that bold decision to go up to Memphis and to return there 3 days later to be with her people? That as we look ahead, how do we translate all this so that we all look to our own lives to be led with courage and with grace and with the boldness and dignity that she has shown, and to realize the dream to which she and her husband devoted their lives; that one day, one day soon, in their words, “this Nation will rise up and live out the true meaning of its creed”—“that all men are,” indeed “created equal.”

ASBESTOS

Mr. FRIST. Mr. President, we had a very important vote today on asbestos, and we will be proceeding to that bill tomorrow. It is a bill that I feel passionately about, a bill—as I shared with my colleagues who were with me earlier today in Atlanta at the funeral—that reflects, to me, the very best of what this body should be reflecting; that is, compassion for those victims who today are not being compensated, who suffer from asbestos exposure with mesothelioma, with lung cancer, with asbestosis; who today are not getting taken care of. In a sense, they are not getting appropriate compensation, just compensation, either in terms of time in which the decisions are made or in the amount of resources that are to be directed to them.

So now is the time for us to address this important issue. It is a jobs issue. We talk about 150,000 people who have lost their jobs. We talk about the 77 companies that have gone bankrupt—not as companies but as employers.

And when they go bankrupt, thousands and thousands of people lose their pensions and the jobs are lost. Now is our opportunity.

Just yesterday, I know there were a lot of statements made by those on the other side of the aisle that we should stop this bill; it is a bad bill; we should not be addressing it and using postponing procedural moves and delay. But we just can't delay anymore.

I am delighted with the outcome of the vote today which shows that this body is ready to take up this important issue. We will be going to that issue tomorrow, and I look forward to addressing, through debate and amendments, an issue that will have a huge impact on people's lives both right now and well into the future.

MORNING BUSINESS

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

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

HONORING OUR ARMED FORCES

DUSTIN L. KENDALL

Mrs. LINCOLN. Mr. President, I rise today to honor a young man from Arkansas who recently lost his life while heroically serving our Nation in uniform. SPC Dustin Kendall will be remembered by those who knew him as a charming and charismatic young man, who was beloved by his friends and family and had a special gift for bringing smiles to the faces of everyone he met.

Growing up with a brother and four sisters, Specialist Kendall spent his childhood as many children do: playing sports, causing mischief, and enjoying the company of his family and friends. As the son of missionaries, he spent his childhood in a variety of places and wherever he ended up, his outgoing and friendly nature was sure to follow. These qualities allowed him to make friends quickly and adapt to new surroundings, and that was certainly the case when his family moved to Bryant, an Arkansas town just south of Little Rock, in 2002. In Bryant, Specialist Kendall worked at a local restaurant, where he became a favorite of the regular customers, while he finished his schooling. Later, when his parents moved to Europe to continue their missionary work, he stayed in Arkansas to continue classes at the University of Central Arkansas in nearby Conway. At UCA, he studied business but was considering following one of his passions and pursuing a career in golf, possibly in golf-course design.

As a student, Specialist Kendall joined the U.S. Army Reserve for primarily financial reasons but, over time, came to enjoy his military life and was ultimately considering a ca-

reer in the Army. Upon signing up for active duty last summer, he was stationed at Fort Carson, CO, before being deployed with his unit to Iraq in November of 2005. In Iraq, Specialist Kendall served with the 68th Armor Regiment of the 3rd Heavy Brigade Combat Team, where he served with distinction, most recently as a bodyguard for an Army colonel. Tragically, he was killed on January 15 in Baqouba, Iraq, when his military humvee was accidentally struck by an American Abrams tank. He was 21 years old.

A memorial service was held for Specialist Kendall on January 21, in Summerville, SC. Many of his friends and his family gathered to remember the charming young man with the infectious smile and to honor the brave soldier who had given his life in the fight for freedom. Although words cannot convey the sorrow felt by his loved ones, I hope they may find some solace remembering the way he lived his life and knowing that he touched the lives of so many others. My thoughts and prayers go out to his parents, Brandi Lee and Penelope Jean, his brother and his sisters, and to all those who knew and loved him. His time with us was far too short but his spirit will live on in us forever.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In February, 2004 in Durham, NC, Sean Ethan Owen, a 23-year-old gay man, was shot to death. According to police, three men wanted to steal a car and targeted Owen on a gay chat line. They then coaxed Owen to meet them for a date, then beat him, shot him, and threw him into the Eno River.

Matthew Lawrence Taylor, Shelton Deangelo Epps, and Derrick Arness Maiden beat their victim before attempting to rob him of anything. According to pathologists, Owen probably died relatively slowly by drowning in the river.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

POSTAL REFORM

Mr. BOND. Mr. President, I rise to engage the chairman of the Homeland

Security and Governmental Affairs Committee in a colloquy regarding a provision contained within the manager's amendment to S. 662, the Postal Accountability and Enhancement Act.

The manager's amendment offered by Senator COLLINS changes the language of section 3622 concerning rate and service complaints that are brought to the Postal Regulatory Commission. I ask the Senator to explain the purpose and intent of this change. I particularly want to be sure that this amendment to the bill is not intended to, and does not deprive the Postal Regulatory Commission of its power to consider complaints relating to rates and the provision of postal services.

Ms. COLLINS. I thank the gentleman from Missouri. He is correct. The amendment I propose to section 3622 does not and is not intended to preclude any interested party from securing a hearing before the Postal Regulatory Commission if it believes that the rates being charged or the manner in which services being provided to that mailer or mailer group violates the act. It is my hope that in conference that we can work to assure that the Postal Regulatory Commission does not become embroiled in attempts to resolve disputes as to internal affairs or purely operational decisions of the Postal Service. This provision is intended to protect the rights of the mailing public against the potential for monopoly abuse or other unjust or unfair conduct by the Postal Service in terms of rates charged or the nature of service provided.

Mr. BOND. I thank the chairman.

VOTE EXPLANATION

Mr. INHOFE. Mr. President, on February 2, 2006, I was absent for the roll-call vote on the motion to waive the Congressional Budget Act on Conrad amendment No. 2729 to Senate amendment 2702 to H.R. 4297, Tax Relief Extension Reconciliation Act of 2005. My absence was due to a previously scheduled speaking engagement at the Africa Dinner in conjunction with the National Prayer Breakfast. Had I been present, I would have voted nay on the motion to waive. Additionally, I would like to note that this absence did not affect the final outcome of the vote.

ADDITIONAL STATEMENTS

TRIBUTE TO WILLIAM "BILL" TALLMAN

• Mr. THUNE. Mr. President, today I rise to honor William "Bill" Tallman. Bill was the meteorologist in charge at the Aberdeen office of the National Weather Service. At the time of his death, Bill was on a voluntary, temporary assignment with the Federal Emergency Management Agency helping with the relief efforts in the gulf coast region that was devastated by hurricanes this last season.

Bill was successful in many endeavors. While in Aberdeen he transitioned a small office to a large weather forecasting site responsible for providing severe weather warnings to 28 counties. One of Bill's most notable accomplishments was founding the "Women in Science" conference. This conference introduces high-school aged girls to the many exciting career opportunities available in the science field. Bill started this conference in 2002 with only one class held in Aberdeen. This year the conference will be held in five different locations around the State of South Dakota.

Bill Tallman was a retired Air Force major, having served 20 years in the Air Force as a meteorologist. Bill also taught high school math before enlisting in the service. He is survived by his wife Julie; two children, Jeff and Sarah; four grandchildren; his mother, three brothers, and two sisters. Today I rise with Bill Tallman's friends and family in remembering his selfless dedication and service to those who had the pleasure to meet him and to the United States of America.●

CONGRATULATIONS TO MR. CRAIG WILLIAMS

● Mr. BUNNING. Mr. President, I would like to congratulate Mr. Craig Williams, recipient of the Richmond Chamber of Commerce 2006 Community Service Award. Mr. Williams, the executive director of the Kentucky Environmental Foundation and the Chemical Weapons Working Group, has dedicated over two decades of service to the chemical demilitarization project at Kentucky's Bluegrass Army Depot. The continued progress of this project reflects Mr. William's tremendous commitment to protecting the health and safety of the public, the depot workers, and the local environment.

Mr. William's has engineered a program which benefits the entire community by fostering public/private partnerships between environmental and business interests in order to create jobs and clean up the environment. With these efforts, Mr. Williams has demonstrated a real commitment to the improvement of Central Kentucky.

I would like to take this opportunity to thank Mr. Craig Williams for his service to the Kentucky Environmental Foundation and the Chemical Weapons Working Group. Kentucky is lucky to have had such a dedicated community member.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1932. An act to provide for reconciliation pursuant to section 202(a) of the concurrent

resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 7, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1932. An act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (R. Con. Res. 95).

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-5586. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Nitrogen Oxides Exemption Request for Northern Maine" (FRL No. 8027-5) received on February 3, 2006; to the Committee on Environment and Public Works.

EC-5587. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Wisconsin; General and Registration Permit Programs" (FRL No. 8020-1) received on February 3, 2006; to the Committee on Environment and Public Works.

EC-5588. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Rule Making Findings of Failure to Submit Required State Implementation Plans for Phase II of the NO_x SIP Call" (FRL No. 8028-8) received on February 3, 2006; to the Committee on Environment and Public Works.

EC-5589. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination to Stay and/or Defer Sanctions, Yolo-Solano Air Quality Management District" (FRL No. 8024-9) received on February 3, 2006; to the Committee on Environment and Public Works.

EC-5590. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products; List of Hazardous Air Pollutants, Lesser Quantity Designations, Source Category List" (FRL No. 8028-9) received on February 3, 2006; to the Committee on Environment and Public Works.

EC-5591. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

"Protection of Stratospheric Ozone: The 2006 Critical Use Exemption from the Phaseout of Methyl Bromide" ((RIN2060-AN18)(FRL No. 8028-2)) received on February 3, 2006; to the Committee on Environment and Public Works.

EC-5592. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protections for Subjects in Human Research" ((RIN2070-AD57)(FRL No. 7759-8)) received on February 3, 2006; to the Committee on Environment and Public Works.

EC-5593. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District, Yolo-Solano Air Quality Management District" (FRL No. 8025-2) received on February 3, 2006; to the Committee on Environment and Public Works.

EC-5594. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imazethapyr; Pesticide Tolerance" (FRL No. 7755-8) received on February 3, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5595. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Vice Admiral David L. Brewer III, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-5596. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's new Agency Strategic Plan (ASP) covering the period Fiscal Year 2006 through Fiscal Year 2011; to the Committee on Finance.

EC-5597. A communication from the Senior Vice President, Congressional Affairs, Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's 2005 Sub-Saharan Africa Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-5598. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Member Business Loans" (12 CFR Part 723) received on February 3, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-5599. A communication from the Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Summer Undergraduate Research Fellowships (SURF) Gaithersburg and Boulder Programs; Availability of Funds" (RIN0693-ZA66) received on February 3, 2006; to the Committee on Commerce, Science, and Transportation.

EC-5600. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report describing the progress made in licensing and constructing the Alaska natural gas pipeline and describing any issue impeding that progress; to the Committee on Energy and Natural Resources.

EC-5601. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office of Personnel Management's Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-5602. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-249, "Brentwood Retail Center Real Property Tax Exemption Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5603. A communication from the Chief Financial Officer, Department of Energy, transmitting, pursuant to law, the report of a delay in the issuance of a report entitled "Report on Carryover Balances"; to the Committee on Energy and Natural Resources.

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. SCHUMER:

S. 2248. A bill to establish the Math and Science Teaching Corps; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM:

S. 2249. A bill to eliminate the requirement that States collect Social Security numbers from applicants for recreational licenses; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 2250. A bill to award a congressional gold medal to Dr. Norman E. Borlaug; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN:

S. 2251. A bill to amend the Energy Policy Act of 2005 to repeal the ultra-deepwater and unconventional onshore natural gas and other petroleum research and development program; to the Committee on Energy and Natural Resources.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 2252. A bill to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife Art of the United States; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. TALENT, and Mr. DORGAN):

S. 2253. A bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI:

S. 2254. A bill to authorize the Secretary of the Army to carry out restoration projects along the Middle Rio Grande; to the Committee on Environment and Public Works.

By Mr. STEVENS (for himself, Mr. INOUE, Mr. ROBERTS, Mr. REED, and Mr. BROWNBACK):

S.J. Res. 28. A joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower; 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. SANTORUM (for himself and Mr. SPECTER):

S. Res. 367. A resolution congratulating the Pittsburgh Steelers for their victory in Super Bowl XL; considered and agreed to.

By Mr. REID:

S. Res. 368. A resolution to designate April 1, 2006, as "National Asbestos Awareness Day"; to the Committee on the Judiciary.

By Ms. STABENOW (for herself, Mr. COLEMAN, Mr. COCHRAN, and Mr. FEINGOLD):

S. Res. 369. A resolution congratulating the American Dental Association for sponsoring the 4th annual "Give Kids a Smile" program, which emphasizes the need to improve access to dental care for children, and thanking dentists for volunteering their time to help provide needed dental care; considered and agreed to.

ADDITIONAL COSPONSORS

S. 366

At the request of Mr. GREGG, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 366, a bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

S. 381

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 381, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 914

At the request of Mr. ALLARD, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1112, a bill to make permanent the

enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1116

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1116, a bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes.

S. 1479

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1607

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1607, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 2039

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2039, a bill to provide for loan repayment for prosecutors and public defenders.

S. 2115

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2115, a bill to amend the Public Health Service Act to improve provisions relating to Parkinson's disease research.

S. 2134

At the request of Mr. SMITH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2134, a bill to strengthen existing programs to assist manufacturing innovation and education, to expand outreach programs for small and medium-sized manufacturers, and for other purposes.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2201, a bill to amend title 49, United States Code, to modify

the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2231

At the request of Mr. BYRD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2231, a bill to direct the Secretary of Labor to prescribe additional coal mine safety standards, to require additional penalties for habitual violators, and for other purposes.

S. 2235

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2235, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. CON. RES. 78

At the request of Ms. COLLINS, her name was added as a cosponsor of S. Con. Res. 78, a concurrent resolution condemning the Government of Iran for violating its international nuclear nonproliferation obligations and expressing support for efforts to report Iran to the United Nations Security Council.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 313

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 365

At the request of Mr. HAGEL, his name was added as a cosponsor of S. Res. 365, a resolution to provide a 60 vote point of order against out-of-scope material in conference reports and open the process of earmarks in the Senate.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM:

S. 2249. A bill to eliminate the requirement that States collect Social Security numbers from applicants for recreational licenses; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to introduce the "Sportsmen's Privacy Protection Act" to address a number of privacy concerns I have heard from my constituents. When I

worked with my colleagues to pass the 1996 welfare reform law, we made sure that we created a system to hold parents accountable for supporting their children. A provision included in that law obligated States to implement new requirements to encourage payment of child support that cross-referenced Social Security Numbers of applicants for drivers' licenses, professional licenses, occupational licenses and recreational licenses. States that failed to implement these requirements would have faced the loss of Federal welfare funding.

Under current state law, Pennsylvania is required to revoke or deny recreational licenses, including hunting and fishing licenses of parents who are behind on child support payments. As a result, any individual that applies or renews a driver's, occupational or recreational license must include their Social Security Number on their application form. And it is the application that is the problem. In Pennsylvania and many other States, the drivers', professional and occupational records are automated or computerized, while the recreational licenses remain in a paper book often with multiple entries on a page. In my view, there are significant privacy concerns to continuing this provision as it relates to recreational licenses such as hunting and fishing.

In preparing this bill we asked the Congressional Research Service, CRS, about the effectiveness of this provision. CRS spoke with the Pennsylvania Child Support Program, PACSP, regarding the effectiveness of retracting or denying individuals hunting and fishing licenses. CRS indicated to my staff that there have been very few instances where individuals have been denied hunting and fishing licenses for falling behind in child support payments. In the overwhelming majority of the instances where they have been denied, the custodial parent will tip-off PACSP of the non-custodial parent's interest in obtaining a hunting and fishing license. PACSP can then notify the PA Hunting and Gaming Commission to deny the non-custodial parent a license.

I have heard from a lot of hunters about their legitimate concerns in giving their Social Security Number when applying for a hunting license. This bill will repeal the Federal mandate that requires States to collect Social Security Numbers for recreational licenses. The requirement for drivers', professional and occupational licenses would remain in place. My home State colleague, Representative English, has introduced a companion bill in the House of Representatives. I urge my colleagues to consider cosponsoring this legislation that restores the privacy rights of recreational hunters and fishermen, while maintaining an effective system of child support enforcement.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 2250. A bill to award a congressional gold medal to Dr. Norman E. Borlaug; to the Committee on Banking, Housing, and Urban Affairs.

Mr. GRASSLEY. Mr. President, I am calling upon Congress to honor Dr. Norman E. Borlaug, the man of whom it is often said "has saved more lives than any other person who has ever lived," with the Congressional Gold Medal.

Dr. Borlaug is commonly known in the agricultural world and beyond as the father of the Green Revolution. His accomplishments in terms of bringing radical change to world agriculture and uplifting humanity are without parallel.

Named by TIME Magazine as one of the 100 most influential minds of the 20th Century, Norman E. Borlaug is one of the great stories of our time. Norm, as he is known to all who work with him, was born in 1914 to Norwegian-American parents outside the town of Cresco in northeast Iowa near the Iowa/Minnesota border. His boyhood was spent on a Norman Rockwellesque farm and in a one-room schoolhouse. Eventually Norm found his way to the University of Minnesota where he became a star in Big Ten Wrestling and earned a Ph.D. in Plant Pathology.

Following World War II, he spent 20 years working in the poorest areas of rural Mexico. It was there that Dr. Borlaug made his breakthrough achievement in developing a strand of wheat that could exponentially increase yields while actively resisting disease.

With the strong support of the governments involved, Dr. Borlaug's Green Revolution uplifted hundreds of thousands of the rural poor in Mexico and saved hundreds of millions from famine and outright starvation in India and Pakistan. His approach to wheat production next spread throughout the Middle East and was then adapted to rice growing, increasing the number of lives saved to more than one billion people.

In 1970 Norman E. Borlaug was awarded the Nobel Peace Prize, the only person working in agriculture to ever be so honored, for a lifetime of work to feed a hungry world. Since then, he has received numerous honors and awards including the Presidential Medal of Freedom, The National Academy of Sciences' highest honor—the Public Service Medal, and the Rotary International Award for World Understanding and Peace.

At age 91, Dr. Borlaug continues to alleviate poverty and malnutrition. He currently serves as president of Sasakawa Global 2000 Africa Project, which seeks to extend the benefits of agricultural development to the 800 million people still mired in poverty and malnutrition in Sub-Saharan Africa.

Finally, Dr. Borlaug continues as Chairman of the Council of Advisors

for the World Food Prize, an organization he created in 1986 to be the "Nobel Prize for Food and Agriculture".

The World Food Prize presents \$250,000 award each October at an international ceremony in Des Moines, IA, to the Laureate who has made an exceptional achievement similar to Dr. Borlaug's breakthrough forty years ago. Beyond recognizing these people for their personal accomplishments, Borlaug saw the World Food Prize as a means of establishing role models who would inspire others.

In the 20 years of its existence, the World Food Prize has honored Laureates from Bangladesh, India, China, Mexico, Denmark, Sierra Leone, Switzerland, the United Kingdom and the United States.

While Dr. Borlaug was born in Iowa, he is truly a citizen of all of America and, indeed, of all the world. The State of Minnesota has enacted a special day of recognition in his honor; He continues as a teacher, serving as a Distinguished Professor at Texas A&M University; and he has received honorary degrees from colleges and universities in virtually every state of the union.

Reflecting this fact, a year ago the U.S. Senate passed a resolution designating October 16 as World Food Prize Day in America in honor of Dr. Borlaug. Beyond that, his name is widely recognized in Mexico, India, Pakistan and the Middle East reflecting his great humanitarian achievements in those countries. And he continues to be honored throughout South Asia and Africa, for his ongoing efforts to expand the benefits of the Green Revolution to the hundreds of millions of people still suffering from chronic hunger and malnutrition.

Dr. Borlaug's achievements are in keeping with the recent presentation of Congressional Gold Medals.

For over a half century, the scientific and humanitarian achievements of Dr. Norman E. Borlaug have kept starvation at bay for millions of people in third world countries. Through the passage of this legislation, the United States Senate can recognize the humanitarian contributions Dr. Borlaug has made to the entire world. The man who has saved more lives than any other person who has ever lived certainly deserves the highest honor the Congress can bestow.

As the only working farmer in the U.S. Senate, I am proud and honored to introduce this important bill, and I call upon my colleagues to support this noble legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2250

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Tribute to Dr. Norman E. Borlaug Act of 2006".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Dr. Norman E. Borlaug, was born in Iowa where he grew up on a family farm, and received his primary and secondary education.

(2) Dr. Borlaug attended the University of Minnesota where he received his B.A. and Ph.D. degrees and was also a star NCAA wrestler.

(3) For the past 20 years, Dr. Borlaug has lived in Texas where he is a member of the faculty of Texas A&M University.

(4) Dr. Borlaug also serves as President of the Sasakawa Africa Association.

(5) Dr. Borlaug's accomplishments in terms of bringing radical change to world agriculture and uplifting humanity are without parallel.

(6) In the immediate aftermath of World War II, Dr. Borlaug spent 20 years working in the poorest areas of rural Mexico. It was there that Dr. Borlaug made his breakthrough achievement in developing a strand of wheat that could exponentially increase yields while actively resisting disease.

(7) With the active support of the governments involved, Dr. Borlaug's "green revolution" uplifted hundreds of thousands of the rural poor in Mexico and saved hundreds of millions from famine and outright starvation in India and Pakistan.

(8) Dr. Borlaug's approach to wheat production next spread throughout the Middle East. Soon thereafter his approach was adapted to rice growing, increasing the number of lives Dr. Borlaug has saved to more than a billion people.

(9) In 1970, Dr. Borlaug received the Nobel Prize, the only person working in agriculture to ever be so honored. Since then he has received numerous honors and awards including the Presidential Medal of Freedom, the Public Service Medal, the National Academy of Sciences' highest honor, and the Rotary International Award for World Understanding and Peace.

(10) At age 91, Dr. Borlaug continues to work to alleviate poverty and malnutrition. He currently serves as president of Sasakawa Global 2000 Africa Project, which seeks to extend the benefits of agricultural development to the 800,000,000 people still mired in poverty and malnutrition in sub-Saharan Africa.

(11) Dr. Borlaug continues to serve as Chairman of the Council of Advisors of the World Food Prize, an organization he created in 1986 to be the "Nobel Prize for Food and Agriculture" and which presents a \$250,000 prize each October at a Ceremony in Des Moines, Iowa, to the Laureate who has made an exceptional achievement similar to Dr. Borlaug's breakthrough 40 years ago. In the almost 20 years of its existence, the World Food Prize has honored Laureates from Bangladesh, India, China, Mexico, Denmark, Sierra Leone, Switzerland, the United Kingdom, and the United States.

(12) Dr. Borlaug has saved more lives than any other person who has ever lived, and likely has saved more lives in the Islamic world than any other human being in history.

(13) Due to a lifetime of work that has led to the saving and preservation of an untold amount of lives, Dr. Norman E. Borlaug is deserving of America's highest civilian award: the congressional gold medal.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President Pro Tempore of the Senate and the Speaker of the House of Representatives are authorized to make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to Dr. Norman E. Borlaug, in recognition of

his enduring contributions to the United States and the world.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3 at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

(a) NATIONAL MEDAL.—The medal struck under this Act is a national medal for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all duplicate medals struck under this Act shall be considered to be numismatic items.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such sums as may be necessary to pay for the cost of the medals struck under this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 2252. A bill to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife of the United States; to the Committee on Energy and Natural Resources.

Mr. ENZI. Mr. President, I am privileged to introduce a bill today that provides a national designation to the National Museum of Wildlife Art in Jackson, WY. As it should, a national designation signifies something unique that belongs to all the people of our Nation. Just as President Theodore Roosevelt recognized the uniqueness of Devils Tower in Wyoming when he proclaimed it to be the first national monument, my bill recognizes the uniqueness of the National Museum of Wildlife Art in Jackson, WY. Wildlife museums are not unusual in the United States. Art museums are not unusual in the United States. This museum, however, sets itself apart from all the others as it focuses on wildlife art. This interdisciplinary approach fosters education as the museum uses art to teach people about wildlife and encourages wildlife lovers to explore art. The museum's educational focus is clear in their motto "bringing people, wildlife and fine art together."

The person responsible for bringing National Museum of Wildlife Art to my attention is Margaret, Maggie, Webster Scarlett. Given her involvement and accomplishments in the museum world, Maggie knows a worthy museum when she sees it. In 2002, the Senate confirmed Maggie as a member of the National Museum and Library Services

Board. This 24-member advisory body includes 20 Presidentially appointed and Senate-confirmed members of the general public who have demonstrated expertise in, or commitment to, library or museum services. She also is currently a member and past president of the board of trustees of the National Museum of Wildlife Art.

The National Museum of Wildlife Art was founded in 1987 with a private gift of a collection of art and is accredited with the American Association of Museums. The National Museum of Wildlife Art features a collection of over 2,000 pieces of art portraying wildlife. Dating from 2000 B.C. to the present, the collection chronicles much of the history of wildlife in art, focusing primarily on European and American painting and sculpture. The collection of American art from the 19th and 20th centuries is particularly strong, recording European exploration of the American West. Many of these works predate photography, making them vital representations of the frontier era in the history of the United States.

Using the collection as a base, the central themes to the museum's programming are connections between people, wildlife, and fine art. Even before this designation, people from across the United States had discovered the National Museum of Wildlife Art. Since its inception, it has become an American West destination attraction with an annual attendance of 92,000 visitors from all over the world and an award-winning Web site that receives more than 10,000 visits per week.

These visitors find wildlife on the walls of the museum but also outside of its doors. The National Museum of Wildlife Art is housed in an architecturally significant and award-winning 51,000 square foot facility that overlooks the 28,000 acre National Elk Refuge and is adjacent to the Grand Teton National Park. The museum displays and interprets this wildlife art in one of the few remaining areas of the United States where native wildlife roams abundantly.

The works in the museum are united by their subject and their quality. The permanent collection of the National Museum of Wildlife Art has grown to more than 3,000 works by important historic American artists including Edward Hicks, Anna Hyatt Huntington, Charles M. Russell, William Merritt Chase, and Alexander Calder, as well as contemporary American artists Steve Kestrel, Bart Walter, Nancy Howe, John Nieto, Jamie Wyeth, and others.

The National Museum of Wildlife Art seeks to educate a diverse audience through collecting fine art focused on wildlife, presenting exceptional exhibitions, providing community, regional, national, and international outreach, and presenting extensive educational programming for adults and children. A national designation presents a great opportunity to use the invaluable resources of the National Museum of Wildlife Art to teach the Nation's

school children, through on-site visits, traveling exhibits, classroom curriculum, on-line distance learning, and other educational initiatives.

I look forward to officially recognizing the renown of the National Museum of Wildlife Art through this bill.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. TALENT, and Mr. DORGAN):

S. 2253. A bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, today, I introduce a bill to direct the Secretary of the Interior to hold a lease sale within one year in the area known as 181. This bill does not in any way alter the moratorium law on the OCS. The areas covered under this bill are not under executive or congressional moratorium. Furthermore, this bill protects a 100 mile buffer from the coastline of the State of Florida and it protects the prerogative of the United States armed forces to perform military activities in the Eastern Gulf of Mexico. These protections are explicit in the bill and can not be disputed.

But more than that, this bill seeks to protect the American people from the rising cost of heating their homes. Only six years ago, the price of natural gas in the U.S. was \$2 per million btu. In the past few months, we have witnessed the price of natural gas rise above as much as \$14 per million btu. This morning, amidst a winter of above-average temperatures throughout much of the United States, the price of natural gas was over \$8 per million btu. In countries competing for our jobs, the price of the same commodity is substantially cheaper than that, in some cases one or two dollars per million btu. This increase in cost and volatility in the price of natural gas in the United States should have the immediate attention of our Nation's policy makers.

The effects of the rising price of natural gas cut across every major sector of our Nation's economy. Natural gas is used as a major source for electricity generation, home heating, cooling and cooking, and as an essential feedstock for the production of ammonia for use in fertilizer production. It is necessary to the manufacturing of fabrics, glass, steel, plastics and paint. In short, affordable natural gas is of relevance to every region and each State in this country and it is essential to maintaining our Nation's long-term sustained economic growth. Think of the one-two punch that will be dealt to the American consumer if the U.S. housing market fails to sustain its unprecedented growth of the last few years and energy costs continue to rise. The Federal Reserve estimated that in 2004, the American people had approximately \$600 billion in their pockets from refinancing and home equity loans. But an increasing amount of that money is going

right back out to pay the added costs of heating those homes. Over a six year period, America's natural gas bill has risen from \$50 billion to \$200 billion. That is \$150 billion less that the American people have to spend, save and invest. And it serves as an additional burden on the businesses that drive this nation's economy. This burden acts as a tax on the American people and only serves to stymie growth.

With this bill we seek to alleviate some of that burden. We direct the Department of the Interior to lease an area that holds a potential of nearly 5 tcf of gas. That is enough natural gas to heat and cool approximately five million homes for a period of 15 years. The natural gas from this area will have a real, substantial effect on the market and thus on the American consumer. Opening up this area will send an immediate signal to the natural gas market that Congress is pushing to quickly open up an area for production with great potential for a significant new supply of natural gas. The area is close to existing infrastructure in the Gulf of Mexico and is the best hope for a large infusion of natural gas on the market in the near term.

This bill presents a choice between affordable natural gas versus burying our heads in the sand while American people foot the bill and manufacturing jobs head overseas. There is certainly bipartisan support for the idea of relieving the energy costs of the American consumer, and I think that opening Lease Sale 181 helps us achieve this goal.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2253

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

SECTION 1. OFFSHORE OIL AND GAS LEASING IN 181 AREA OF GULF OF MEXICO.

(a) DEFINITIONS.—In this section:

(1) 181 AREA.—The term "181 Area" means the area identified in map 15, page 58, of the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program for 1997-2002 of the Minerals Management Service.

(2) MILITARY MISSION LINE.—The term "Military Mission Line" means the north-south line at 86°41' W. longitude.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Minerals Management Service.

(b) LEASE SALE.—Except as otherwise provided in this section, the Secretary shall offer the 181 Area for oil and gas leasing pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) as soon as practicable, but not later than 1 year, after the date of enactment of this Act.

(c) EXCLUDED AREAS.—In carrying out subsection (b), the Secretary shall not offer for oil and gas leasing—

(1) any area east of the Military Mission Line, unless the Secretary of Defense agrees in writing before the area is offered for lease that the area can be developed in a manner that will not interfere with military activities; or

(2) any area that is within 100 miles of the coastline of the State of Florida.

(d) LEASING PROGRAM.—The 181 Area shall be offered for lease under this section notwithstanding the omission of the 181 Area from any outer Continental Shelf leasing program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

Mr. BINGAMAN. Mr. President, I am pleased to cosponsor the bill offered by the chairman of the Energy and Natural Resources Committee. This legislation would require the Secretary of the Interior to offer for oil and gas lease certain lands within the original Lease Sale 181 Area in the Eastern Gulf of Mexico Planning Area. The lease sale is to be conducted within 1 year after the date of enactment of the legislation.

The original Lease Sale 181 Area was proposed in 1997 by the Clinton administration after negotiations with the late Governor Lawton Chiles. The area to be leased under the bill includes only a portion of the original sale area, and does nothing to affect areas currently under congressional moratoria or Presidential withdrawal. No part of the area to be leased under the bill is closer than 100 miles from the Florida coastline. The so-called “stovepipe” portion of the original lease sale area is not included in the area to be leased under the bill. Leasing east of the Military Mission line under the bill can occur only with the prior written agreement of the Secretary of Defense that such area can be developed in a manner that will not interfere with military activities.

The area to be leased under the bill is estimated to contain some 6.03Tcf of natural gas and 0.93 billion barrels of oil. In this time of record high oil and gas prices, these energy resources can make a significant contribution to our domestic energy supply. Much of the necessary energy infrastructure is already in place in this region, so production can come online and be marketed in the near term.

The lease sale is to take place within a year after the date of enactment of the provision. This time frame is intended to allow full compliance with all applicable environmental laws. It is our expectation that expeditious, but complete, environmental compliance will be undertaken by the relevant agencies.

I regret that large portions of this sale area were previously made off limits by the current administration. In 2001, Secretary Norton reduced the size of the area to be offered in Lease Sale 181 from 5.9 million acres to 1.5 million acres. This action took off the table over 61 percent of the gas resources, some 7 Tcf, and 5-percent of the oil resources, about a billion barrels, estimated to be in the original area.

Directing the Secretary to offer for lease these additional portions of the Lease Sale 181 Area is one thing that the Congress can do to address our energy situation in the near term. It is past time to proceed with leasing the area that would be made available by

the bill. I ask my colleagues to join me in supporting this legislation.

By Mr. DOMENICI:

S. 2254. A bill to authorize the Secretary of the Army to carry out restoration projects along the Middle Rio Grande; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, we get few opportunities to help usher in visionary projects that can potentially transform communities, both of man and of nature. I rise today to talk about such a project—one that has been discussed before on this floor when I helped unveil a vision that would rehabilitate and restore New Mexico's Bosque. I return here today to implement that vision that concerns this long neglected treasure of the Southwest.

According to an old Chinese Proverb, “if you are thinking one year ahead, sow seed. If you are thinking ten years ahead, plant a tree. If you are thinking 100 years ahead, educate the people.” The bill I am introducing today encompasses the wisdom of that proverb.

The Albuquerque metropolitan area is the largest concentration of people in New Mexico. It is also the home to the irreplaceable riparian forest which runs through the heart of the city and surrounding towns that is the Bosque. It is the largest continuous cottonwood forest in the Southwest, and one of the last of its kind in the world.

Unfortunately, mismanagement, neglect, and the effects of upstream development have severely degraded the Bosque. The list of its woes is long: it has been overrun by non-native vegetation; graffiti and trash mar locations along its length; the drought and build up of hazardous fuel have contributed to fires. As a result, public access is problematical and crucial habitat for scores of species is threatened.

Yet the Middle Rio Grande Bosque remains one of the most biologically diverse ecosystems in the Southwest. My goal is to restore the Bosque and create a space that is open and attractive to the public.

This is a grand undertaking to be sure; but I want to ensure that this extraordinary corridor of the Southwestern desert is preserved for generations to come—not only for generations of humans, but for the diverse plant and animal species that reside in the Bosque as well.

The rehabilitation of this ecosystem leads to greater protection for threatened and endangered species; it means more migratory birds, healthier habitat for fish, and greater numbers of towering cottonwood trees. This project can increase the quality of life for a city while assuring the health and stability of an entire ecosystem. Where trash is now strewn, paths and trails will run. Where jetty jacks and discarded rubble lie, cottonwoods will grow. The dead trees and underbrush that threaten devastating fire will be replaced by healthy groves of trees.

School children will be able to study and maybe catch sight of a bald eagle. The chance to help build a dynamic public space like this does not come around often, and I would like to see Congress embrace that chance on this occasion.

Having grown up along the Rio Grande in Albuquerque, the Bosque is something I treasure, and I lament the degradation that has occurred. Because of this, I have been involved in Bosque restoration since 1991, and I commend the efforts of groups like the Bosque Coalition for the work they have done, and will continue to do, along the river. I propose to build on their efforts with the legislation I am introducing today.

I remain grateful to each of the parties who has been involved with this idea since its inception. Each one contributes a very critical component of the project. The Middle Rio Grande Conservancy District (the “MRGCD”) owns the vital part of the Bosque which runs from the National Hispanic Cultural Center north to the Paseo Del Norte Bridge. The MRGCD has proven to be a valuable local partner that has worked with all parties to provide options on how the Bosque can be preserved, protected and enjoyed by everyone. Additionally, the Army Corps of Engineers is developing a preliminary restoration plan for the Bosque along the Albuquerque corridor.

My bill authorizes \$10 million dollars in Fiscal Year 2007 and such sums as are necessary for the following nine years to complete projects, activities, substantial ecosystem restoration, preservation, protection, and recreation facilities along the Middle Rio Grande. I urge my fellow members to help preserve this rare and diverse ecosystem and to aid the city of Albuquerque and the State of New Mexico in building a place to treasure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2254

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

SECTION 1. FINDINGS.

Congress finds that—

(1) the Middle Rio Grande bosque is—

(A) a unique riparian forest along the Middle Rio Grande in New Mexico;

(B) the largest continuous cottonwood forest in the Southwest;

(C) 1 of the oldest continuously inhabited areas in the United States;

(D) home to portions of 6 pueblos; and

(E) a critical flyway and wintering ground for migratory birds;

(2) the portion of the Middle Rio Grande adjacent to the Middle Rio Grande bosque provides water to many people in the State of New Mexico;

(3) the Middle Rio Grande bosque should be maintained in a manner that protects endangered species and the flow of the Middle Rio Grande while making the Middle Rio Grande bosque more accessible to the public;

(4) environmental restoration is an important part of the mission of the Corps of Engineers; and

(5) the Corps of Engineers should reestablish, where feasible, the hydrologic connection between the Middle Rio Grande and the Middle Rio Grande bosque to ensure the permanent healthy growth of vegetation native to the Middle Rio Grande bosque.

SEC. 2. DEFINITIONS.

In this Act:

(1) **MIDDLE RIO GRANDE.**—The term “Middle Rio Grande” means the portion of the Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(2) **RESTORATION PROJECT.**—The term “restoration project” means a project carried out under this Act that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, recreation, and protection benefits.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Army.

SEC. 3. MIDDLE RIO GRANDE RESTORATION.

(a) **RESTORATION PROJECTS.**—The Secretary shall carry out restoration projects along the Middle Rio Grande.

(b) **PROJECT SELECTION.**—

(1) **IN GENERAL.**—The Secretary may select restoration projects in the Middle Rio Grande based on feasibility studies.

(2) **USE OF EXISTING STUDIES AND PLANS.**—In carrying out subsection (a), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify the needs and priorities for restoration projects.

(c) **LOCAL PARTICIPATION.**—In carrying out this Act, the Secretary shall consult with—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) **COST SHARING.**—

(1) **COST-SHARING AGREEMENT.**—Before carrying out any restoration project under this Act, the Secretary shall enter into an agreement with the non-Federal interests that shall require the non-Federal interests—

(A) to pay 25 percent of the total costs of the restoration project through in-kind services or direct cash contributions, including the cost of providing necessary land, easements, rights-of-way, relocations, and disposal sites;

(B) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the restoration project that are incurred after the date of enactment of this Act; and

(C) to hold the United States harmless for any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) **NON-FEDERAL INTERESTS.**—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a non-Federal interest carrying out a restoration project under this Act may include a nonprofit entity.

(3) **RECREATIONAL FEATURES.**—

(A) **IN GENERAL.**—Any recreational features included as part of a restoration project shall comprise not more than 30 percent of the total project cost.

(B) **NON-FEDERAL FUNDING.**—The full cost of any recreational features included as part of a restoration project in excess of the amount described in subparagraph (A) shall be paid by the non-Federal interests.

(4) **CREDIT.**—The non-Federal interests shall receive credit toward the non-Federal share of the cost of design or construction activities carried out by the non-Federal interests (including activities carried out be-

fore the execution of the cooperation agreement for a restoration project) if the Secretary determines that the work performed by the non-Federal interest is integral to the project.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

- (1) \$10,000,000 for fiscal year 2006; and
- (2) such sums as are necessary for each of fiscal years 2007 through 2015.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 367—CONGRATULATING THE PITTSBURGH STEELERS FOR THEIR VICTORY IN SUPER BOWL XL

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 367

Whereas, on Sunday, February 5, 2006, the Pittsburgh Steelers defeated the Seattle Seahawks by a score of 21–10, in Detroit, Michigan;

Whereas that victory marks the 5th Super Bowl Championship for the Steelers organization, tying Pittsburgh with the San Francisco 49ers and the Dallas Cowboys for the most Super Bowl wins in the history of the National Football League;

Whereas, after losing a game to Cincinnati on December 4, and dropping their record to 7 wins and 5 losses, the Steelers won 8 consecutive games, the last of which earned the team an overall record of 15–5 and the right to be named Super Bowl Champions;

Whereas the path of the Steelers to the Super Bowl included road victories against the Cincinnati Bengals, the Indianapolis Colts, and the Denver Broncos, making the Steelers the 2nd team in NFL history to win 3 playoff games on the road;

Whereas Bill Cowher, a Pittsburgh native and the longest tenured head coach in the NFL, was a steady presence throughout the season and earned his 1st Super Bowl victory after 14 seasons at the helm of the Steelers team;

Whereas Jerome Bettis, who is affectionately known as “The Bus,” and is the 5th leading rusher in NFL history, was the emotional leader of the Steelers team and was able to return to his hometown of Detroit to participate in his 1st Super Bowl, after which he announced his retirement from the game of football;

Whereas Hines Ward, who caught 5 passes for 123 yards and 1 touchdown, was named Most Valuable Player of Super Bowl XL, joining Franco Harris, Lynn Swann, and Terry Bradshaw as the only Steelers to earn that prestigious award;

Whereas, at the age of 23, Pittsburgh quarterback Ben Roethlisberger was the youngest starting quarterback ever to win a Super Bowl;

Whereas the defense of the Steelers, led by Pro-Bowl performers Troy Polamalu, Joey Porter, and Casey Hampton, held the highest scoring team in the NFL, the Seattle Seahawks, to more than 18 points below their season average of 28.3 points per game; and

Whereas the Rooney family, who have owned the Pittsburgh Steelers since the founding of the team in 1933, have provided the Steelers organization with a level of stability and commitment to community that is unmatched in the modern sports environment and have created a team that is as be-

loved by its hometown as any in the world; Now, therefore, be it

Resolved, That the Senate congratulates the Pittsburgh Steelers on their hard-fought, well-deserved victory in Super Bowl XL.

SENATE RESOLUTION 368—TO DESIGNATE APRIL 1, 2006, AS “NATIONAL ASBESTOS AWARENESS DAY.”

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 368

Whereas deadly asbestos fibers are invisible and cannot be smelled or tasted;

Whereas when airborne asbestos fibers are inhaled or swallowed, the damage can be permanent and irreversible;

Whereas those fibers can cause mesothelioma, asbestosis, lung cancer, and pleural diseases;

Whereas asbestos-related diseases can take 10 to 50 years to manifest themselves;

Whereas the expected survival rate of those diagnosed with mesothelioma is between 6 and 24 months;

Whereas little is known about late-stage treatment of, and there is no cure for, asbestos-related diseases;

Whereas early detection of asbestos-related diseases would give patients increased treatment options and often improve their prognosis;

Whereas asbestos is a toxic and dangerous substance and must be disposed of properly;

Whereas nearly half of the more than 1,000 screened firefighters, police officers, rescue workers, and volunteers who responded to the World Trade Center attacks on September 11, 2001, have new and persistent respiratory problems;

Whereas the industry groups with the highest incidence rates of asbestos-related diseases, based on 2000 to 2002 data, were shipyard workers, vehicle body builders (including rail vehicles), pipefitters, carpenters and electricians, and workers in the construction (including insulation work and stripping), extraction, energy and water supply, and manufacturing industries;

Whereas the United States imports more than 30,000,000 pounds of asbestos used in products throughout the United States;

Whereas asbestos-related diseases kill 10,000 people in the United States each year;

Whereas asbestos exposure is responsible for 1 in every 125 deaths of men over the age of 50;

Whereas safety and prevention will reduce asbestos exposure and asbestos-related diseases;

Whereas asbestos has been the largest single cause of occupational cancer;

Whereas asbestos is still a hazard for 1,300,000 workers in the United States;

Whereas asbestos-related deaths have greatly increased in the last 20 years;

Whereas 30 percent of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975; and

Whereas the establishment of a “National Asbestos Awareness Day” would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate designates April 1, 2006, as “National Asbestos Awareness Day.”

Mr. REID. Mr. President, I rise to submit a resolution to designate April

1, 2006, as "National Asbestos Awareness Day." Submitting this resolution is one small step in an effort to raise awareness of this dangerous substance and the painful effects that exposure to asbestos has caused throughout this country. Last year the Senate unanimously passed a similar resolution. It is my hope that designating another National Asbestos Awareness Day will serve as a reminder that exposure to asbestos remains a significant problem in this country, asbestos-induced illnesses continue to kill or disable Americans at an alarming clip, and our resolve to adequately protect the rights of these victims must not falter.

There is no safe level of exposure to asbestos. Despite this fact, the substance still routinely manifests itself in too many work environments. According to the Occupational Safety and Health Administration (OSHA), 1.3 million Americans still face significant asbestos exposure in their workplaces. Some estimate that more than 27.5 million workers have been exposed to asbestos while on the job.

We know too well that the effect of exposure can be deadly. Diseases caused by asbestos include cancers of the lung, digestive tract, colon, larynx, esophagus, kidney and some types of lymphoma; pleural disease; asbestosis; and, of course, mesothelioma. For many of the more serious, asbestos-related diseases, there is no cure.

These devastating illnesses take the lives of thirty Americans each day and ten thousand Americans each year. Countless others were exposed in their neighborhoods, in school yards and at home. Hundreds of thousands of men and women have died or become severely ill due to asbestos exposure.

The cases of disease and death caused by asbestos exposure are not abstractions. Real lives are affected and destroyed by this dreadful substance. I have received countless letters from victims of asbestos-related diseases and their families. Each one shares another story of loss and of pain, of sickness and of tragedy.

Adrienne Zapponi of Wellington, NV witnessed firsthand what asbestos does to the human body. Her husband suffers from asbestos exposure. In her letter she wrote, "[My husband] cannot enjoy a single day of life because he has 40% lung capacity. This means that he can't walk for any distance, he can't do simple jobs around the house such as mow the lawn, he can't remember things such as when to take his medication, he can't drive because he is drowsy and can't concentrate on the road."

Margy Urnberg from Carson City, NV had a father, Ronald Johnson, who died from asbestos exposure. He worked in a vermiculite mine and second-hand exposure from living in Libby, MT. Alan Reinstein, the Cofounder and Director of Communications of the Asbestos Disease Awareness Organization, is suffering from acute mesothelioma. Alan is fighting bravely and has responded to his illness as a call to action.

Yesterday I mentioned our brave veterans who have been exposed to asbestos, and the difficulty they have encountered in seeking compensation for that exposure. Steven Mitchell served ten years in the U.S. Navy as a boiler man. He worked in the engine and boiler rooms on several ships handling asbestos insulation on a daily basis. After leaving the Navy, he returned to work on his family farm raising wheat.

Steven was diagnosed with mesothelioma and spent his last days in a V.A. Nursing Home. Due to the intense pain, he was constantly administered morphine. Just before he died, he no longer even recognized his daughter.

We have seen the case of Philip Schreyer, who began helping his country with the war effort in 1942 at the Ford Motor Company's Willow Run B-24 bomber plant. This plant was producing a bomber an hour during its peak operation, and many asbestos products went into each section of the bombers. Later that year, Mr. Schreyer joined the Navy serving as a radio man aboard the USS *Wyoming* until 1946. The USS *Wyoming* shot off more rounds than any other ship during War World II. Every time around was fired dust would come down off the insulated pipes like "snow". Little did Mr. Schreyer know that this dust falling on him was deadly asbestos.

Phil survived World War II, an injury aboard a warship that ended his Navy career, and a hunting accident that cost him his leg. He did not survive asbestos exposure. In 2002 he learned he had mesothelioma and was told by his doctors that he would not survive this disease. The doctors were right. On January 20, 2005, Phil Schreyer, who had survived so much, lost his final battle with mesothelioma and died.

Each one of the ten thousand Americans who will die from asbestos exposure this year will have a similar story. Each one will leave behind a family that will never be whole again. Each one is counting on us here in the Senate to ensure they have the means necessary to pursue their rightful claim for the damages asbestos exposure has caused them and their families.

The so-called FAIR Act will not provide these protections and that is why I oppose it. As I have explained, this legislation attempts to set up an alternative system for recovery that is doomed to failure and will unacceptably impair the rights of victims. We in the Senate need to remind ourselves that our best efforts must always be directed toward meeting the needs of victims, and the FAIR Act falls short.

SENATE RESOLUTION 369—CONGRATULATING THE AMERICAN DENTAL ASSOCIATION FOR SPONSORING THE 4TH ANNUAL "GIVE KIDS A SMILE" PROGRAM, WHICH EMPHASIZES THE NEED TO IMPROVE ACCESS TO DENTAL CARE FOR CHILDREN, AND THANKING DENTISTS FOR VOLUNTEERING THEIR TIME TO HELP PROVIDE NEEDED DENTAL CARE

Ms. STABENOW (for herself, Mr. COLEMAN, Mr. COCHRAN, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 369

Whereas access to dental care for children is a vital element of overall health care and development;

Whereas dental caries (more commonly known as tooth decay) is the most common chronic childhood disease;

Whereas untreated tooth decay results in thousands of children experiencing poor eating and sleeping patterns, suffering decreased attention spans at school, and being unable to smile;

Whereas due to a confluence of factors, children eligible for Medicaid and the State children's health insurance program are 3 to 5 times more likely than other children to experience and suffer from untreated tooth decay;

Whereas dentists provide an estimated \$1,700,000,000 annually in non-reimbursed dental care;

Whereas nearly 11,000 dentists provided approximately \$33,000,000 of free care to almost 500,000 children in the 3rd annual "Give Kids a Smile" program held on February 4, 2005;

Whereas the participation of dentists in the 4th annual "Give Kids a Smile" program, established and sponsored by the American Dental Association and held on February 3, 2006, serves to remind people in the United States about the need to end untreated childhood dental disease; and

Whereas the generous support of numerous corporations, such as Crest Healthy Smiles, Sullivan-Schein Dental, and DEXIS Digital X-ray Systems, helps make the "Give Kids a Smile" program a success: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the American Dental Association for establishing and continuing its sponsorship of the "Give Kids a Smile" program;

(2) emphasizes the need to improve access to dental care for children;

(3) thanks the thousands of dentists, dental hygienists, dental assistants, and others who volunteered their time to bring a smile to the faces of hundreds of thousands of children on February 3, 2006;

AMENDMENTS SUBMITTED AND PROPOSED

SA 2738. Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2738. Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment

intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, line 18, strike "TLC or FVC" and insert "TLC, FVC, or DLCO".

On page 123, line 3, strike "TLC or FVC" and insert "TLC, FVC, or DLCO".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been rescheduled before the Committee on Energy and Natural Resources to consider the President's Proposed Budget for FY 2007 for the Department of Energy.

The hearing originally scheduled for Thursday, February 9 at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building will now be held at 9:30 a.m. on the same day, in the same room.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Elizabeth Abrams at 202-224-0537.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, February 16, 2006, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills: S. 1870, a bill to clarify the authorities for the use of certain National Park Service properties, within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes; S. 1913, a bill to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; S. 1970, a bill to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes; H.R. 562, a bill to

authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932-1933; and H.R. 318, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or David Szymanski at (202) 224-6293.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 7, 2006, at 9:30 a.m., to receive testimony from combatant commanders on their military strategy and operational requirements, in review of the Defense Authorization Request for fiscal year 2007 and the Future Years Defense Program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 7, 2006, at 10 a.m., on Net Neutrality.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 7, 2006, at 2:30 p.m., on Nominations.

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

COMMITTEE ON FINANCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, February 7, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "The President's Fiscal Year 2007 Budget Proposal." The following witness is scheduled to testify: The Honorable John W. Snow, Secretary, U.S. Department of the Treasury.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on the Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 7, 2006 at 2 p.m., to hold a hearing on NATO.

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

COMMITTEE ON THE JUDICIARY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, February 7, 2006 at 4 p.m., in the Dirksen Senate Office Building Room 226.

Panel I: The Honorable Luis G. Fortuno, United States Representative, Puerto Rico, Resident Commissioner.

Panel II: Timothy C. Batten, Sr. to be United States District Judge for the Northern District of Georgia, Thomas E. Johnston to be United States District Judge for the Southern District of West Virginia, Leo Maury Gordon to be a Judge of the United States Court of the International Trade, Aida M. Delgado Colon to be United States District Judge for the District of Puerto Rico.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, February 7, 2006, at 3 p.m., for a field hearing regarding "Federal Agencies and Conference Spending."

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on February 7, 2006, at 2:30 p.m., in open session to receive testimony on contracting issues in Iraq, in review of the Defense authorization request for fiscal year 2007 and the future years Defense program.

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

HONORING THE SERVICE OF THE NATIONAL GUARD

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 355, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 355) honoring the service of the National Guard and requesting consultation by the Department of Defense with Congress and the chief executive officers of the States prior to offering proposals to change the National Guard force structure.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Nebraska. Mr. President, I thank my colleagues for this opportunity to speak on S. Res. 355 regarding the budget for the National Guard, a resolution which Senator LINDSEY GRAHAM and I have cosponsored.

Last week, a total of 75 Senators, including myself, signed a letter to Defense Secretary Rumsfeld opposing the plan that proposes changes to the standing force structure of the National Guard. This plan has raised serious concerns.

Senator FRIST, the majority leader, said last week on a national morning news program that he would oppose cuts to the National Guard.

Nebraska National Guard General Roger Lempke, president of the Adjunct Generals Association, has aggressively questioned the proposed changes to the Guard. General Lempke and I share another concern about the Guard; that is, the increasing problem it has with equipment shortages as a result of the war, damage, total destruction, and the fact that much of the equipment is most likely going to be left in Iraq.

Earlier this year, General Lempke briefed me on equipment shortages faced by the Nebraska National Guard. I learned firsthand that the Guard in Nebraska is facing shortages of \$35 million in equipment, from trucks to body armor, from humvees to night-vision goggles.

This prompted me, along with my colleague, Senator LINDSEY GRAHAM, to introduce a resolution on the National Guard that essentially does two things: First, it asks the Pentagon to fully fund the Guard to restore lost and destroyed equipment; second, it seeks consultation with Congress and the Nation's Governors on any potential force structure changes. In a briefing today before the Senate Committee on Armed Services, General Schoomaker assured members he has already begun this process of talking to the Nation's Governors and seeking more consultation with affected Members of the Congress.

This resolution was cleared by the Committee on Armed Services and sent to the Senate last week. It has 54 cosponsors, including myself. It is bipartisan. It is direct. I urge my colleagues and the majority leader to ensure that this resolution be passed today. We cannot wait any longer. We must assure the Department of Defense, that Congress has spoken, and that we will be heard on this issue.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements re-

lating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 355) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 355

Whereas the Army National Guard and Air National Guard of the United States, representing all 50 States, Guam, Puerto Rico, the United States Virgin Islands, and the District of Columbia, have played an indispensable role in the defense of our country;

Whereas during one phase of the Global War on Terrorism, Army National Guard soldiers comprised nearly half of the United States combat forces in Iraq;

Whereas National Guard personnel are currently deployed in Afghanistan, Bosnia, Kosovo, and more than 40 other countries around the world;

Whereas 90 percent of the troops on the ground in Louisiana and Mississippi responding to Hurricane Katrina were members of the National Guard;

Whereas while performing these critical missions, the National Guard continues to experience significant equipment shortages, especially vehicle and radio shortages;

Whereas members of the National Guard are not "weekend warriors", but citizen-soldiers and airmen who serve full-time when their country needs them to do so;

Whereas the National Guard is a resource shared by the chief executive officers of the States and the President;

Whereas the National Guard is America's militia;

Whereas deployment to fight terrorism on two fronts overseas, while protecting our homeland, has stretched the National Guard thin;

Whereas the future of the National Guard could be determined by the Quadrennial Defense Review (QDR) currently underway;

Whereas the Army and Air Force could recommend changes in the force structure of the National Guard;

Whereas reductions in force structure could impact numerous Army National Guard armories and Air National Guard wings;

Whereas reductions in force structure combined with the lack of adequate equipment for the National Guard threaten its capacity to discharge its missions and its ability to respond in emergencies;

Whereas homeland defense is the most important mission of the Department of Defense; and

Whereas the National Guard is the force best suited to defend the homeland and therefore the element from which resources should not be cut: Now, therefore, be it

Resolved, That the Senate—

(1) supports the vital Federal and State missions of the Army National Guard of the United States and the Air National Guard of the United States, including support of ongoing missions in Iraq and Afghanistan and homeland defense and disaster assistance and relief efforts;

(2) recommends that the Department of Defense propose fully funding the equipment needs of the National Guard;

(3) believes that the Department of Defense should, as soon as possible, consult with the chief executive officers of the States, as well as Congress, on any proposed changes to the National Guard force structure;

(4) requests that any plan of the Department of Defense regarding the National

Guard force structure take into account the role of the National Guard role in homeland defense and other State missions as defined by the chief executive officers of the States;

(5) requests that the Department of Defense prepare budget projections that detail cost savings from any changes in National Guard force structure, as well as projected costs in the event large personnel increases are necessary to respond to a national emergency; and

(6) requests that the Department of Defense assure Congress and the chief executive officers of the States that potential changes in the National Guard force structure will not impact the safety and security of the United States people.

DAY OF HEARTS, CONGENITAL HEART DEFECT DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of and the Senate proceeded to S. Con. Res. 69.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 69) supporting the goals and ideals of a Day of Hearts, Congenital Heart Defect Day in order to increase awareness about congenital heart defects.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 69) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 69

Whereas congenital heart defects are structural problems with the heart that are present at birth;

Whereas such defects range in severity from simple problems, such as "holes" between chambers of the heart, to very severe malformations, such as the complete absence of one or more chambers or valves of the heart;

Whereas more than one million Americans have some form of a congenital heart defect and such defect is the number one cause of death in infants;

Whereas out of 1000 births, eight babies will have some form of a congenital heart disorder, and approximately 35,000 babies are born with such defects each year;

Whereas twice as many children die each year from congenital heart disease compared with childhood cancers, yet funding for pediatric cancer research is five times higher than such funding for congenital heart disease;

Whereas cardiovascular disease is the Nation's leading killer in both men and women among all racial and ethnic groups;

Whereas the United States has a severe shortage of cardiac centers that are fully equipped to provide care for adults living with complex heart defects;

Whereas almost one million Americans die of cardiovascular disease each year, resulting in up to 42 percent of all deaths in the United States;

Whereas the presence of a serious congenital heart defect often results in an enormous emotional and financial strain on young families who are already in a vulnerable stage of their lives;

Whereas severe congenital heart disease requires that families dedicate extensive financial resources for assistance and care both within and outside of a hospital environment;

Whereas congenital heart defects exceed more than \$2.2 million a year for inpatient surgery alone; and

Whereas February 14, 2006, would be an appropriate day to recognize A Day for Hearts: Congenital Heart Defect Awareness Day: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress supports the goals and ideals of A Day of Hearts: Congenital Heart Defect Awareness Day to—

(1) increase awareness about congenital heart defects;

(2) encourage research with respect to the disease; and

(3) support the millions of Americans who are affected by this disease.

CONGRATULATING THE PITTSBURGH STEELERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 367 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 367) congratulating the Pittsburgh Steelers for their victory in Super Bowl XL.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANTORUM. Mr. President, it is an honor for me to be here today to speak on behalf of a great organization and a great group of men who accomplished the heights of their profession. The Pittsburgh Steelers were victorious in Super Bowl XL on Sunday. As I speak right now, there is a parade going through downtown Pittsburgh of our warriors, our champions who have brought back the Super Bowl trophy, the Lombardi trophy, to Pittsburgh for the fifth time, which ties a record with the San Francisco 49ers and the Dallas Cowboys, having won five Super Bowls.

During the 1970s, we won four and got comfortable with the fact that Pittsburgh was a city of champions, winning both football titles and two World Series titles in 1972 and 1979; and in 1979 we won both the Super Bowl and the World Series. It has been a long time—26 years—since we were able to get, as the saying goes in Pittsburgh, “one for the thumb.” We didn’t yet have the one for the thumb. But the time for the one for the thumb has come. We have, in fact, gotten over the hump, and we have a lot more to look forward to, in my view, in the years to come with this great squad.

I congratulate, obviously, the team. I also congratulate some other folks who

I think deserve particular recognition—and, by the way, Senator SPECTER and I have put forth a congratulatory resolution, which we brought down to the floor and I am sure will be cleared and we will be able to get that passed today.

I congratulate the Rooney family. This is a family enterprise that has been, since 1933, running the Steelers. I don’t know of any other team in the NFL that has had the kind of stable ownership and closeness with the community that the Rooney ownership has brought over the past 73 years. They are a great Pittsburgh family. Art Rooney, who bought the team back in 1933, was one of the founders of the NFL. For years and years and years, he was one of the great men of football but never won a championship for over 40 years being in the league, and then they had a great run in the 1970s.

After his passing, Dan, his son, took it over, and has been a tremendous pillar of the Pittsburgh community. This is a man who is as humble as any man I have ever met. In contrast with some of the high-flying owners of the NFL, this is a man who still flies around in a little single-engine plane. They have a training camp well out of town, so instead of having to drive from his home, he takes this little plane and flies out to the airport near St. Vincent College. He still remembers his roots and does so much for the community. One of the things he does most for the community is he keeps the beloved Steelers a local community team, a team that is good to its players and good to the community and puts the community first. That is one of the reasons the Steelers are so beloved in Pittsburgh—because they are so much a fabric in the city because they participate in community organizations, and their players have great relationships throughout the Pittsburgh area and make a difference in the community. That is really what professional sports should be more about.

We have true role models in people like Jerome Bettis who have added so much to the texture of Pittsburgh. Over the years, we have had many great players in and out, and because of the leadership of the Rooney family and the stability of the coaching ranks, from Chuck Knoll to Bill Cowher, we have seen that stability, that bond with the city that has been transferred to the players. They feel that special relationship and obligation to be role models in the community. Overwhelmingly, they have lived up to that.

So it is a very proud moment, not only because they won a football game—in fact, they won four improbable games against worthy opponents—they were a team that barely made the playoffs, but they went through and not only got to a championship game and won the AFC championship, they then won the Super Bowl. They are truly a remarkable team, inspired by this great family, the Rooney family, and a great coach, Bill Cowher, who

has been, again, another important piece of the Pittsburgh family now for better than a dozen years. He continues to show that a hometown boy can come back, somebody who wasn’t a star in the league but a solid guy from Pittsburgh who understands the importance of the Steelers to the community and lives by that ethic and the code the Rooneys have established very well and makes Pittsburgh a better place as a result.

It is great to see Coach Cowher get a Super Bowl, it is great to see the team back on top, and it is great to see Pittsburgh, a town that has gone through a lot in the steel industry in the 1970s—they have seen pretty dark times in the 1980s in particular as a community. We have been going through a renaissance in Pittsburgh in the last 10, 12 years, a tremendous transformation of that city. It is nice to see that the Steelers put a punctuation mark which, hopefully, draws some attention and makes us feel better about ourselves because not only have we made the transformation, but we have a winning team and a good, positive attitude about how we go forward.

So I am proud to be a Pittsburgher, and I am proud particularly to be a Pittsburgh Steeler fan today. I congratulate the entire organization and all of the people in Pittsburgh for the tremendous support you continue to give the Steelers and the great attitude you bring to our fair city.

Mr. SPECTER. Mr. President, I rise to compliment the Pittsburgh Steelers on a phenomenal season and a great Super Bowl victory. I regret I could not go to Detroit to see the game. But a session had been scheduled many weeks ago to bring in Attorney General Gonzales on the electronic surveillance issue at 9:30 yesterday morning. I checked it out, and the earliest I could have gotten back to Washington would have been the middle of the night. I thought it more sensible to attend to those important duties for the hearing with the Attorney General and to watch the game on television.

I was very heartened to see that game, to see that 75-yard run, the longest in Super Bowl history, to see that phenomenal catch, practically a “hail Mary,” on the 3-yard line, to see the young quarterback Ben Roethlisberger carry it over on the replay and the great dispute about whether there was a touchdown, and it was a touchdown. The earlier touchdown was nullified when a Seattle receiver had pushed off and been called with an infraction. And then when the Steelers were driving at 14 to 3 toward a putaway touchdown, the intercepted pass and long runback, and the Seahawks came within 14 to 10. Then the Seahawks mounted a drive and were closing in on a touchdown which would have put them ahead 17 to 14, and then came the Steelers’ interception. So, it was phenomenal and thrilling game. To have the Steelers, from a wild-card position, go on the

road and beat Cincinnati and then go on the road and beat Denver and Indianapolis and that phenomenal tackle made by Roethlisberger, which may be as important in Steelers' lore as the "immaculate reception" by Franco Harris many years ago—as you can tell, I am a diehard football fan.

The Steelers have brought great credit to Pennsylvania with their victory, great credit to America with their sportsmanship and accomplishments.

A special tribute to the Rooney family which owns the Pittsburgh Steelers. I had the privilege of knowing Mr. Art Rooney, who bought the Steelers in about 1933 for reputedly \$2,500. I have had occasion to work with his son Dan Rooney, who is now the family patriarch, and his grandson Art Rooney. They are a wonderful family.

Bill Cowher is the coach. I know him, to some extent. It is a great tribute.

I have taken these few moments to comment about the great victory and to offer congratulations. I am sorry that I couldn't be in Pittsburgh today to attend the parade. But we have a parade on the Senate floor which takes my attention. I don't think I will be missed in that crowd.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 367) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 367

Whereas, on Sunday, February 5, 2006, the Pittsburgh Steelers defeated the Seattle Seahawks by a score of 21-10, in Detroit, Michigan;

Whereas that victory marks the 5th Super Bowl Championship for the Steelers organization, tying Pittsburgh with the San Francisco 49ers and the Dallas Cowboys for the most Super Bowl wins in the history of the National Football League;

Whereas, after losing a game to Cincinnati on December 4, and dropping their record to 7 wins and 5 losses, the Steelers won 8 consecutive games, the last of which earned the team an overall record of 15-5 and the right to be named Super Bowl Champions;

Whereas the path of the Steelers to the Super Bowl included road victories against the Cincinnati Bengals, the Indianapolis Colts, and the Denver Broncos, making the Steelers the 2nd team in NFL history to win 3 playoff games on the road;

Whereas Bill Cowher, a Pittsburgh native and the longest tenured head coach in the NFL, was a steady presence throughout the season and earned his 1st Super Bowl victory after 14 seasons at the helm of the Steelers team;

Whereas Jerome Bettis, who is affectionately known as "The Bus," and is the 5th leading rusher in NFL history, was the emotional leader of the Steelers team and was able to return to his hometown of Detroit to participate in his 1st Super Bowl, after which he announced his retirement from the game of football;

Whereas Hines Ward, who caught 5 passes for 123 yards and 1 touchdown, was named

Most Valuable Player of Super Bowl XL, joining Franco Harris, Lynn Swann, and Terry Bradshaw as the only Steelers to earn that prestigious award;

Whereas, at the age of 23, Pittsburgh quarterback Ben Roethlisberger was the youngest starting quarterback ever to win a Super Bowl;

Whereas the defense of the Steelers, led by Pro-Bowl performers Troy Polamalu, Joey Porter, and Casey Hampton, held the highest scoring team in the NFL, the Seattle Seahawks, to more than 18 points below their season average of 28.3 points per game; and

Whereas the Rooney family, who have owned the Pittsburgh Steelers since the founding of the team in 1933, have provided the Steelers organization with a level of stability and commitment to community that is unmatched in the modern sports environment and have created a team that is as beloved by its hometown as any in the world; Now, therefore, be it

Resolved, That the Senate congratulates the Pittsburgh Steelers on their hard-fought, well-deserved victory in Super Bowl XL.

CONGRATULATING THE AMERICAN DENTAL ASSOCIATION

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 369, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 369) congratulating the American Dental Association for sponsoring the 4th annual "Give Kids a Smile" program which emphasizes the need to improve access to dental care for children, and thanking dentists for volunteering their time to help provide needed dental care.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, today I wish to speak about a resolution to congratulate the American Dental Association for establishing the "Give Kids a Smile" Program. I am pleased to be joined by my colleagues, Senators COLEMAN, COCHRAN, and FEINGOLD in recognizing this annual event.

This Friday is the fourth "Give Kids a Smile" day, which emphasizes the need to improve dental care access for children. Tooth decay is the most common chronic childhood disease and can be the cause of poor eating and sleeping patterns, decreased attention spans at school, and sadly, children not being able to smile. Children who are eligible for Medicaid and the State Children's Health Insurance Program are three to five times more likely than other children to have untreated tooth decay.

I also want to thank the members of the American Dental Association for participating in this program. I am especially proud of all of the dentists in Michigan who took the time to make the annual "Give Kids a Smile" day such a great success. Last year, more than 330 dentists in Michigan volunteered their valuable services for "Give Kids a Smile" events across the State. These dentists, along with more than 1,000 staff members and volunteers,

provided dental treatment and oral health information to more than 17,430 needy children.

Mr. FRIST. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 369) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, was agreed to as follows:

S. RES. 369

Whereas access to dental care for children is a vital element of overall health care and development;

Whereas dental caries (more commonly known as tooth decay) is the most common chronic childhood disease;

Whereas untreated tooth decay results in thousands of children experiencing poor eating and sleeping patterns, suffering decreased attention spans at school, and being unable to smile;

Whereas due to a confluence of factors, children eligible for Medicaid and the State children's health insurance program are 3 to 5 times more likely than other children to experience and suffer from untreated tooth decay;

Whereas dentists provide an estimated \$1,700,000,000 annually in non-reimbursed dental care;

Whereas nearly 11,000 dentists provided approximately \$33,000,000 of free care to almost 500,000 children in the 3rd annual "Give Kids a Smile" program held on February 4, 2005;

Whereas the participation of dentists in the 4th annual "Give Kids a Smile" program, established and sponsored by the American Dental Association and held on February 3, 2006, serves to remind people in the United States about the need to end untreated childhood dental disease; and

Whereas the generous support of numerous corporations, such as Crest Healthy Smiles, Sullivan-Schein Dental, and DEXIS Digital X-ray Systems, helps make the "Give Kids a Smile" program a success: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the American Dental Association for establishing and continuing its sponsorship of the "Give Kids a Smile" program;

(2) emphasizes the need to improve access to dental care for children;

(3) thanks the thousands of dentists, dental hygienists, dental assistants, and others who volunteered their time to bring a smile to the faces of hundreds of thousands of children on February 3, 2006;

APPOINTMENT TO READ WASHINGTON'S FAREWELL ADDRESS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified by the order of February 2, 2006, appoints the Senator from Colorado, Mr. SALAZAR, to read Washington's Farewell Address on Friday, February 17, 2006.

ORDERS FOR WEDNESDAY,
FEBRUARY 8, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Wednesday, February 8. I further ask that following the prayer and pledge, the morning hour be deemed expired and the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 1 hour, with the first 30 minutes under the control of the majority leader or his designee and the second 30 minutes under the control of the Democratic leader or his designee. I further ask the Senate begin consideration of S. 852 for

debate only during Wednesday's session; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. for the Democratic Party luncheon.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow following morning business, the Senate will begin consideration of the bipartisan asbestos bill. Senators should come to the Senate to debate the substance of the legislation. Although no amendments are in order to the bill during tomorrow's session, Senators will be able to discuss their amendments. I encourage Senators to do so.

We should make tomorrow a full day of discussion on asbestos. There will be a number of amendments to be considered beginning Thursday morning. It is important we begin those discussions tomorrow so we can use our time efficiently on Thursday and Friday.

ADJOURNMENT UNTIL 9:45 A.M.
TOMORROW

Mr. FRIST. 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 7:20 p.m., adjourned until Wednesday, February 8, 2006, at 9:45 a.m.