The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. CAMPBELL of California).

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from California (Mr. DREIER) come forward and lead the House in the Pledge of Allegiance.

Mr. DREIER 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE
The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?
There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE
The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:
OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 3, 2006, at 9:12 am:
That the Senate passed without amendment H.R. 4659.
With best wishes, I am Sincerely,
KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE
The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:
OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 6, 2006, at 5:56 pm:
That the Senate passed with amendment S. 1219.
With best wishes, I am Sincerely,
KAREN L. HAAS,
Clerk of the House.

THE JOURNAL
The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.
Pursuant to clause 1, rule I, the Journal stands approved.

HOUR OF MEETING ON TOMORROW
Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.
With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPEORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Friday, February 3, 2006:
H.R. 4519, to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools;
H.R. 4659, to amend the USA PATRIOT Act to extend the sunset of certain provisions of such act.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,

Hon. J. Dennis Hastert,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(b) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 6, 2006, at 2 p.m. and said to contain a message from the President whereby he submits his Budget of the United States Government for Fiscal Year 2007.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.


The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

THE BUDGET MESSAGE OF THE PRESIDENT

America’s economy is growing at a healthy pace, and more Americans are working than ever. In the face of a series of challenges, including most recently devastating natural disasters, Americans have stood firm, and America’s economy has demonstrated its strength and resilience time and again.

My Administration has focused the Nation’s resources on our highest priority: protecting our citizens and our homeland. Working with Congress, we have given our men and women on the frontlines in the War on Terror the funding they need to defeat the enemy and detect, disrupt, and dismantle terrorist plots and operations. We con-
tinue to help emerging democracies in Afghanistan and Iraq stand on their own. As the Afghan and Iraqi peoples assume greater responsibility for their own security and for defeating the terrorists, our troops will come home with the honor they have earned, to save and spend as they see fit.

The results are clear.

Since May 2003, when I signed into law major tax relief, America has added more than four and a half million new jobs. Productivity is high, disposable income is up, household wealth is at record levels, consumer confidence has climbed, small businesses are expanding, and more Americans own their homes than at any time in our Nation’s history.

Our economy is the envy of the industrialized world. To build and maintain our competitive edge, my Administration has a broad agenda to promote America’s long-term economic strength. We are opening new markets to American-made goods and services through international trade agreements. We are proposing reforms to prevent needless litigation and burdensome regulations. Through major reforms of our public schools, we are preparing our children to compete and succeed in the global economy. And my Budget includes an American Competitiveness Initiative that targets funding to advance technology, better prepare American children in math and science, develop and train a high-tech workforce, and further strengthen the environment for private-sector innovation and entrepreneurship.

In our efforts to keep our economy strong and competitive, we will resist calls to raise taxes on America’s work- ers, farmers, and businesses. I am thus pleased to make tax relief permanent, income tax rates eventually will rise, the marriage penalty will climb, the child tax credit will be cut, savers and investors will be hit with higher taxes, and the death tax will come back to life.

With a growing economy, tax receipts are on the rise, helping to bring down the deficit in 2005. To stay on track to meet my goal of cutting the deficit in half by 2009, we must maintain our pro-growth policies and insist on spending restraint.

Last year, I proposed to hold overall discretionary spending growth below the rate of inflation—and Congress delivered on that goal. Last year, I proposed that we focus our resources on defense and homeland security and cut elsewhere—and Congress delivered on that goal. And also last year, my Budget proposed major cuts in or eliminations of 154 programs that were not getting results and not fulfilling essential purposes. And this year, at the markup of Congress, we delivered savings to the taxpayer of $6.5 billion on 89 of my Administration’s recommendations.

The 2007 Budget builds on these efforts. Again, I am proposing to hold overall discretionary spending below the rate of inflation and to cut spending in non-security discretionary programs below 2006 levels. My Administration has identified 141 programs that should be terminated or significantly reduced in size. To help bring greater accountability and transparency to the budget process, my Budget proposed reforms so that firm spending limits are put in place, and specific funds are used for the best purposes with the broadest benefits.

The 2007 Budget also continues our efforts to improve performance and make sure the taxpayers get the most for their money. My Administration expects to be held accountable for significantly improving the way the Government works. In every program, and in every agency, we are measuring success not by good intentions or by dollars spent, but rather by results achieved.

In the long term, the biggest challenge to our Nation’s fiscal health comes from unsustainable growth in entitlement spending. Entitlement programs such as Social Security and Medicare are growing faster than our ability to pay for them, faster than the economy, faster than the rate of inflation, and faster than the population. As more baby boomers retire and collect their benefits, our deficits are projected to balloon. The middle class American workers paying into the system, and more retirees collecting benefits. These unfunded liabilities will put an increasing burden on our children and our grandchildren. We do not need to cut these programs, but we do need to slow their growth. We can solve this problem and still meet our Nation’s commitment to the elderly, disabled, and poor.

Acting on my recommendations, both houses of Congress have taken an important step by passing legislation that would produce $40 billion in savings from mandatory programs and entitlement reforms—the first such savings in nearly a decade. My budget builds on this progress by proposing $65 billion more in savings in entitlement programs.

My Budget also includes proposals to address the longer-term challenge arising from unsustainable growth in Medicare, while ensuring modern health care for our seniors. I will continue to call on Congress to enact comprehensive reform of Social Security for future generations, so that we return the system to firm financial footing, protect the benefits of today’s retirees and near-retirees, provide the security for today’s workers to build a secure nest egg they can call their own, and assure our children and grandchildren a retirement benefit that is as good as is available today.

As this budget shows, we have set clear priorities that meet the most pressing needs of the American people while addressing the long-term challenges that lie ahead. The 2007 Budget
bills will ensure that future generations of Americans have the opportunity to live in a Nation that is more prosperous and more secure. With this Budget, we are protecting our highest ideals and building a brighter future for all.

GEORGE W. BUSH, February 6, 2006.

RESIGNATION AS CHAIRMAN OF COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore laid before the House the following resignation as chairman of the Committee on Education and the Workforce:

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES.

WASHINGTON, DC, FEBRUARY 6, 2006.

HON. J. DENNIS HASTERT, Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As a result of my election Thursday as Majority Leader, this letter is to inform you that I resign as Chairman of the Committee on Education and the Workforce and from further service on that Committee. During my five years of service as Chairman on the Committee on Education and the Workforce Committee has overseen and enacted 131 public laws designed to improve the lives of all Americans.

I also resign from the Committee on Agriculture, on which I have served since being elected to Congress. I would ask that Conference Rule 2 be invoked with respect to my status on both Committees. I am humbled by my peers' decision to elect me as our Majority Leader and I look forward to working with you in that capacity.

Sincerely,

JOHN A. BOEHNER, Chairman.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM DISTRICT DIRECTOR OF THE HONORABLE DENNIS MOORE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Julie Merz, District Director of the Honorable Dennis Moore, Member of Congress:

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, WASHINGTON, DC, FEBRUARY 1, 2006.

HON. J. DENNIS HASTERT, Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the District Court of Johnson County, Kansas, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JULIE MERZ, District Director.

ADMINISTRATION CUTS OFF FEDERAL FUNDS TO OSU STUDY

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, we have another concern today arising about the administration's potential abuse of the scientific process in making policy.

Today, the Associated Press reported that the Bureau of Land Management under this administration has suspended funding for the final year of a study from Oregon State University on the impact of logging in national forests burned by wildfires.

Findings of these studies were published last month in the magazine Science, and they suggested that the administration's stance on salvage logging runs counter to the real goals regarding forest regeneration and fire prevention. I am concerned in this case that we have seen yet another situation where funding may have been frozen to punish scientific results legitimately conducted at Oregon State University, and that is why I have called on the Interior Department's inspector general today to investigate whether or not this in fact has occurred.

Did Daniel Donato and his research team from OSU lose funding because of this cause? Is this another punishment situation? We need to find out. We have got to respect science and use it accordingly.

RESIGNATION AS MEMBER OF COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Energy and Commerce:


HON. J. DENNIS HASTERT, Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby respectfully resign my seat on the House Energy and Commerce Committee effective February 7, 2006. I wish to express my deep gratitude to you and Chairman Barton for the opportunity to serve and look forward to continuing to work with you in the future.

Sincerely,

J. GRESHAM BARRETT, Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

SENATE BILLS REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rules, referred as follows:

S. 1219. An act to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc.; to the Committee on Resources.

S. Con. Res. 79. Concurrent resolution expressing the sense of Congress that no United States assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4519. An act to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

H.R. 4659. An act to amend the USA PATRIOT Act to extend the sunset of certain provisions of such act.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on February 3, 2006, she presented to the President of the United States, for his approval, the following bills:

H.R. 4519. To amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

H.R. 4659. To amend the USA PATRIOT Act to extend the sunset of certain provisions of such act.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 8, 2006, at 2 p.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

The following action occurred on February 3, 2006

Mr. THOMAS: Committee on Ways and Means, H.R. 1631. A bill to provide for the financing of high-speed rail infrastructure, and for other purposes: with an amendment (Rept. 109–314 Pt. 2). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Resources discharged from further consideration. H.R. 3699 committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

SUBSEQUENT ACTION ON REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk
for printing and reference to the proper calendar, as follows:

Mr. JOE BARTON of Texas: Committee on Energy and Commerce. H.R. 3699. A bill to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes: with amendments (Rept. 109-316 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than March 3, 2006.

H.R. 2629. Referral to the Committee on the Judiciary, Energy and Commerce, Intelligence (Permanent Select), and Education and the Workforce extended for a period ending not later than March 3, 2006.

H.R. 3565. Referral to the Committee on the Judiciary extended for a period ending not later than February 24, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHABOT:
H.R. 4701. A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2011; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:
H.R. 4702. A bill to amend title II of the Social Security Act to eliminate the time limitation for corrections to wage and self-employment income records; to the Committee on Ways and Means.

By Mr. GINGREY (for himself and Mr. TIERNEY):
H.R. 4703. A bill to provide meaningful civil remedies for victims of the sexual exploitation of children; to the Committee on the Judiciary.

By Mr. LANGEVIN (for himself, Mr. WELDON of Pennsylvania, and Mr. RAMSTAD):
H.R. 4704. A bill to address the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a major disaster, to increase the accessibility of replacement housing built with Federal funds following Hurricane Katrina and other major disasters, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. EMANUEL, Mr. DeFazio, Mr. Doggett, Mr. Hinchey, and Mr. McDermott):
H.R. 4705. A bill to establish the Math and Science Teaching Corps; to the Committee on Education and the Workforce.

By Mr. STARK (for himself, Mr. EMANUEL, Mr. DeFazio, Mr. Doggett, Mr. Hinchey, and Mr. McDermott):
H.R. 4706. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain gifts and benefits provided to physicians by prescription drug manufacturers; to the Committee on Ways and Means.

By Mr. MURPHY (for himself and Ms. HART):
H. Res. 670. A resolution congratulating the National Football League champion Pittsburgh Steelers for their Super Bowl XL and completing one of the greatest postseason runs in professional sports history; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 198: Mr. FATTAH and Mr. BACHUS.
H. 200: Mr. FATTAH.
H.R. 356: Mr. FORTEENBERRY, Mr. BORINER, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 389: Mrs. CUNIN and Mr. NEUGEBAUER.
H.R. 1026: Mr. ROGERS of Michigan.
H.R. 1130: Mr. MILLER of Florida.
H.R. 1143: Mr. MILLER of Ohio.
H.R. 1262: Mr. FATTAH.
H.R. 1290: Mr. FATTAH.
H.R. 1470: Mr. GONZALEZ.
H.R. 1498: Mr. AL GREEN of Texas and Mr. DAVIS of Tennessee.
H.R. 1578: Mr. BROWN of Ohio, Mr. GORDON, Mr. GUTTENBERG, Ms. HITCH, Mr. KROLLenberg, and Mr. SCHWARTZ of Michigan.
H.R. 1849: Mr. PETERSON of Minnesota.
H.R. 2089: Mr. BURTON of Indiana.
H.R. 2133: Mr. KING of New York.
H.R. 2206: Mr. HINCHY and Mrs. BONO.
H.R. 2230: Mr. WASSERMAN SCHULTZ.
H.R. 2309: Mr. MORA of Kansas.
H.R. 2716: Mr. FATTAH.
H.R. 2970: Mr. WALSH and Mrs. HELY.
H.R. 3196: Mr. MICHAUD.
H.R. 3198: Ms. HOKE.
H.R. 3427: Mr. LANKYWIN.
H.R. 3590: Mr. HAYWORTH.
H.R. 3641: Mrs. MCCARTHY and Mr. GUTIERREZ.
H.R. 3642: Ms. LORETTA SANCHEZ of California.
H.R. 3762: Mr. ANDREWS, Mr. MEEK, Ms. LOFOREN of California, and Mr. ROTH-MA.
H.R. 3883: Mrs. NORTHIUP and Mr. TERRY.
H.R. 3940: Mrs. JO ANN DAVIS of Virginia.
H.R. 4025: Mr. CLAY.
H.R. 4058: Mr. LAHOD, Mr. WINNER, Mr. KING of New York, and Mr. REYES.
H.R. 4072: Mrs. DRAKE.
H.R. 4073: Mr. FATTAH.
H.R. 4099: Mr. ALEXANDER.
H.R. 4197: Mr. REYES, Mr. KILDEE, Ms. BERKLEY, and Mr. MELANCON.
H.R. 4317: Mr. Kolbe.
H.R. 4323: Mr. ALEXANDER.
H.R. 4329: Mr. WILSON of South Carolina.
H.R. 4322: Mr. CLAY.
H.R. 4347: Mr. WEXLER.
H.R. 4335: Mr. McNulty and Ms. WOOLSEY.
H.R. 4408: Mr. MILLER of Florida.
H.R. 4474: Mr. RANGEL, Mr. DOGGETT, Mr. HOYER, and Mr. Brown of Ohio.
H.R. 4547: Mr. YOUNG of Alaska, Mr. WICKER, Mr. BURTON of Indiana, Mr. SCHWARTZ of Michigan and Mr. MILLER of Florida.
H.R. 4548: Mr. SHEARMAN.
H.R. 4551: Mr. SESSIONS.
H.R. 4606: Mr. FATTAH.
H.R. 4619: Mr. ENOCH and Mr. CAPUANO.
H.R. 4646: Mr. G. LEE, Mr. MCDONALD, Mr. CARDOZA, Ms. WATSON, Ms. HARMAN, Mr. LEWIS of California, Mr. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Mr. SCHIFF, Mr. WAXMAN, Mr. BERNAM, Mrs. CAPPY, Mr. FARK, Mr. FILNER, Ms. KILPATRICH of Michigan, Mr. LANTOS, Mr. BECERRA, Ms. ZOE LOFOREN of California, Ms. MILLER, Mr. GEORGE MILLER of California, Mr. RYAN of Ohio, Ms. ROYBAL-ALARD, Mr. DOLLITTLE, Mr. TAUSCHER, Mr. THOMPSON of California, Mr. STARK, Mr. SCHNEIDER, Mr. RACA, Ms. ESCEO, Mr. BARROW, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mr. ENOEL, Mr. GALLEGOY, Mrs. MCCARTHY, Mr. POMEROY, Mr. RANGEL, Mr. SNYDER, Mr. WYNN, Mr. CLAY, Mr. MEEK of Florida, Mr. MORAN of Virginia, Mr. PETTERSON of Pennsylvania, Mr. SERRANO, and Mr. CLEAVER.
H.R. 4662: Mr. WESTMORELAND, Mrs. MYRICK, Mr. PITTS, Mr. BROWN of South Carolina, Mr. KUHL of New York, Mr. BARRITT of South Carolina, Mr. GOODE, Mr. COLE of Oklahoma, Mr. FRANKS of Arizona, Mr. FORENO and Mrs. FOXX.
H.R. 4665: Mr. KUCINICH, Mr. BOREN, Mr. CARDOZA, Mr. REYES, Mr. ALLEN, Mrs. WASSERMAN SCHULTZ, and Mr. LANGEVIN.
H.R. 4668: Mr. KENNEDY of Minnesota, Mr. PORTER, and Mr. WIXLER.
H.R. 4672: Mr. BURGESS.
H. Con. Res. 382: Mr. KUCINICH.
H. Con. Res. 317: Mr. KUCINICH.
H. Con. Res. 318: Mr. KUCINICH and Mr. MCCOVERN.
H. Con. Res. 331: Mr. MURPHY and Mr. OWENS.
H. Res. 465: Mr. FOSSIELLA.
H. Res. 507: Mr. ENGLISH of Pennsylvania.
H. Res. 556: Ms. JACKSON-LEE of Texas, Mr. OSBORNE, Mr. ETHERIDGE, Mr. CHANDLER, Mr. MIGHENON, and Mr. OTTER.
H. Res. 593: Ms. MCCOLLUM of Minnesota.
H. Res. 635: Ms. Mckinney, Mr. HINCHY, Mrs. MALONEY, Mr. LEWIS of Georgia, and Mr. FARK.
H. Res. 636: Mr. HINCHY, Mrs. MALONEY, and Mr. FARK.
H. Res. 637: Mr. HINCHY, Mrs. MALONEY, and Mr. FARK.
H. Res. 645: Mr. INSLEE and Mr. HINCHY.
H. Res. 662: Mr. EHLERS, Mr. FEENEY, Mr. FORTEENBERRY, Mr. GARRETT of New Jersey, Mr. GOODE, Ms. HARRIS, Mr. HOSTETTLER, Mr. INGELS of South Carolina, Mr. KELLE, Mr. KUHL of New York, Ms. MYRICK, Mr. TERRY, Mr. WESTMORELAND, and Mr. SENSHEIN-BRENNER.
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.

APPPOINTMENT 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.

To the Senate:

Under the provisions of rule 1, 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, 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 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.

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This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
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 and again 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 cram 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 and fully fund 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.

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 itself.

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 it’s work is not often considered newsworthy or particularly interesting 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 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 and ensure that we all know the stakes of this great debate.

And I intend to be back, saying much the same, 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 our 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.

This year’s 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 American 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 adequate 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 tomorrow 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
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if not matched with a real commitment of funding.

In fact, in his budget proposal last year, the President tried to cut fire-fighter 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 direct 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 the budget to ensure more hardship for those who have sacrificed to support our military and many other services that make America strong again. In a time when our schools are facing rising college tuition costs, this President talks about his health care priority, while increasing the deficit.

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 Medicare will lose coverage under the Republican budget reconciliation bill. The package 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 our communities more secure, all while burdening our children with massive debt.

Rather than being good stewards of taxpayers’ dollars and helping our Nation to be stronger, safer, 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, funding 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 do so while the tax cut is costing $10 trillion over 10 years. 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 will soon be asked to raise the borrowing authority yet again for the Federal Government 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 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, $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

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 at every level.

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, 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. 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 T was told to fund other priorities. 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. Finally I 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 each 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 to 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 the budget. 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 the 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 keep a lid on spending.

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 important of all, dealing with the long-term danger of Social Security and Medicare. We have to do the right thing—looking for a solution 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, which helped get us out of the halcyon days 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 expenses, 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.

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 increased 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 middle Clinton years, to 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. Today productivity is higher than it was in the halcyon days of the nineties. Economic growth averaged 3.5 percent in 2005, while in 1995 it was 2.5 percent.

The reason is sound monetary policy and tax relief that were well timed and sized to stimulatethe economy when it needed it the most. Unfortunately, in a scenario 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 the 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. These receipts are 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, that 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 $2.28 billion in 2002. In addition, a new report from the American Shareholders Association finds that actual capital gains revenues were $52 billion higher than what was predicted over the 3-year period—$62 billion higher than the Administration’s $10 billion. This is the real deal.

In fact, opponents say you will not bring in as much money; you lower the tax we are taking. This is the wrong prescription 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. Higher 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, they impede the making 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—which on which we spend on programs that are not going to lead to growth. To ensure the economy’s continued momentum, we must make the President’s tax relief permanent or else high energy prices and high prices 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 high energy prices and high prices would have easily thrown the economies of other nations into economic recession.

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 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 commonsense 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 Judicial 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 problem. Last year, I renewed in written questions to Dr. Francine Rabinovitz, who has been retained by the bankruptcy fund, which is part of her study. I asked her about the experience under the asbestos bankruptcy trusts. Those funds are still in liquidation and will not be running out of money and prove unable to pay 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 response to my questions, Dr. Rabinovitz, who has been retained by trust fund bankers to estimate future claims under the fund, asked her about the experience under the asbestos bankruptcy funds. Those funds are still running and are not yet in liquidation. What she told me is that for here are no-fault trusts 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 lifetime of the fund more than 50 percent of the liquidated value of qualifying claims. Of the current generation of bankruptcy trusts, the expected payout of those trusts will be 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 value is the Valley Trust. These percentages are sensitive, of course, to the eligibility criteria the trusts apply. Under its original eligibility criteria, the Manville Valley Trust paid 3 percent of the liquidated value first to 10 percent and then 5 percent of liquidated value. There will be a reevaluation 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. Are legislative tools such as the billion-dollar 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 asbestos bankruptcy trusts at the last bankruptcy filing date is the evidence. That fund is now 24 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 debt total. 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 to trust.

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 sub- mitted, the amounts of awards, and the subsequent experience. Corrective legislation was adopted in 1972, 1977, and 1981, including the establishment of a trust fund to finance medical compensation. But even after the establishment of the fund, the 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 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, I 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 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, there are compelling 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, claims 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 asbestosis. 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 its startup. 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, litigation, insurance policies, would be unaffordable for many companies. The effects of such a sunset 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 example of an entitled 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 exposure 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, accelerated litigation could be very damaging.

A final problem is the problem of medical criteria which I alluded to earlier. 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 have expressed concern 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 in 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 last help to take care of their families, the businesses with only marginal connections to asbestos that nevertheless face the 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 to proceed to the consideration of the bill.

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 a beautifully profound formulation, is judged not by the color of his skin, 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.”


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 as a nation. . . . but her dignity and grace inspired a nation.

Today she will be laid to rest beside her 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 one of the good ones. That’s enough. That’s the sermon I’d like to hear.’ Well done my good and faithful servant.”

Ms. MIKLUSKI. 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 segregated away from their own roles 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. Before 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 know 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 bred 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, 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. It is a legacy that has been 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 her husband’s honor. 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—MOOTION 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, 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 driving 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 no results 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 have been studying it for decades. It 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 where the amounts would be 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 $130 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 origin and is adjusted to that. There is an interesting 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 a modification 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 the Senate and if 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 obligation by the Federal Government 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.

But if a point of order is raised on the merits, it ought to be examined by the Senate 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 obligation by the Federal Government 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 disagreement. 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. One of the problems that we have wrestled with and are fighting is the problem that is worthy of the attention of the Senate. That we ought to be sufficiently 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 Kohn, 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 problem, that is a problem. A 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 Libby, MT, in a 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 point today, we are voting on at 6 o’clock this evening, any Senator who votes no 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
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 vital 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 fair and accurate to say it is the case.

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 story of the community 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 miles of 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 diseases. The asbestos exposure in Libby, MT, is not simply a filtering or a containment of 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. The tragedy is real, the asbestos is real. It is not 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 hummingbird’s nest to a fiber which would ignite.

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 must 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 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.

I have another one from Charlotte, NC:

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 am here today to tell the chairman of the Judiciary Committee that the statement he made is right on target. Some of the 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 the State that has received more attention than any other place 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.

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emphases, 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 problem he faces. We want to 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 FRIST 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 Feist. 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 in discussions with representatives of leadership to ask unanimous consent that the time be charged equally to both sides. I am reluctant to make that request 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. ALLARD. Mr. President, I ask unanimous consent for 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 in the battle against 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 efforts. Indeed, 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 out 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 fight 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 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 that 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 stood up to 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 invaders 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 hope for 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.

Now 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 assumed 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 war on the set forth by President Bush is steadily moving forward. The road ahead will require additional sacrifice from America’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 to the President.

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

The PRESIDING OFFICER (Mr. BURK). 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.

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 3 1/2 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 impairments. To be more clear, 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—money that was paid 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 should say, the current Chief—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 the 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 been the CEO in 2001, Washington, and told me about it. I congratulated him and said good luck, and said if I can be of service, let me know. I called him 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.

Appropriately, Federal-Mogul acquired a number of years before, long before my friend became CEO, a British company that had an asbestos problem, 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 paid money in 401(k) accounts, 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 see the system as it existed in either 2001 or 2002, was not working, and the folks he represented 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 money 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. Those 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 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 that was introduced years ago, maybe even before I came here in 2001, in some cases. What was originally introduced was not a static use of legislation. It was not the Ten Commandments. It was a legislative instrument, as has Senator LEAHY, and as 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, in some cases. What was originally introduced was not a static use of legislation. It was not the Ten Commandments. It was a legislative instrument, as has Senator LEAHY, and as 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, in some cases.

The history of class action reform goes back to the 1990s. The idea behind class action 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 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 in 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, introduced in subsequent Congresses, debated in committee, voted on in committee, and reported out of committee. Class action litigation 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 think I would call that a 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 in the Senate. The bill was 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 ago. I would like to see the Senate 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 impact, starting at level I, and going up to level IX. And there may be some variances 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. They said that 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 actually see them. 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 monitor you every year. But by establishing medical monitoring, we open up 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. These are claims filed additionally 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, 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 life expectancy is, say, two years or less, the 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 can we do to examine that victim, to the plaintiff, you have to go into the trust fund or you may continue through the tort system? There are very good insurance and 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, but I do know all 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 inadequate. 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 maybe a couple of 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 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 over top of the 5 percent cap—that is 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 when an attorney has done a good deal of work on an exigent case.

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. But I am 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 support this legislation.
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? It has been judged 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 to try to get us 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 closure 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 makes it harder to find the companies 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 this 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 confronting corporations, 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.

They alleged that the 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 with them, who worked 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. These individuals and their loved ones 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 of claimants will face difficulting 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 for what is well-documented. 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? The settlement is about 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 problem that is 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 cause 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 or 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 markups. 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 pushing the issue, we were using 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, Senator SPECTER, has again held hearing after hearing. Again, we have had week after week of markups. 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 wherein dozens of groups, 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 better when we get together on 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 co-sponsor 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 concerns 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 want to refer to the special interests 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 harmed by asbestos to obtain compensation immediately. It would remove the middle man.

In other words, if this bill becomes law, these lawyers are going to have to turn off the golden spigot. It will create an easy, no-fault, and quick administrative process that will enable those harmed by asbestos to obtain compensation.

The asbestos trust fund created by the Bankruptcy Act, however, is most certainly a bill that is designed to address. So something must be done. This bill is a sound and reasonable attempt to do something to help those who are sick. It would provide 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 every body 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, 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 lightly do. 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 that is unparalleled in the world today, 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.

Let me tell you 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 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 asbestos—how people who are not sick at that time—crowds court dockets, slow 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.

Filibusters are not always justified, but when they are it is our duty to call them out and to bring a bill the Senate has a duty to consider to the floor.

The asbestos trust fund created by the Bankruptcy Act is subject to countless amendments and is overwhelm by asbestos litigation. Yet it is not even worthy of debate on the 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 absolutely ridiculous. 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. The last thing we need is to squander all of those days by filibustering 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 co-sponsored 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 those who are sick.

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.

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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 have been harmed 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 dragged 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 competitiveness and, in fact, asbestos liability is actually bankrupting many potential defendants. It has gotten to the point where businesses so they can continue to provide the price.

Anyone who looks at this honestly has to conclude that the current 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.

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, a large number of those companies 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.

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 tens of 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—that engulfs these businesses, make it harder to invest in improving their competitiveness, and, in fact, asbestos liability is actually bankrupting many potential defendants. It has gotten to the point where businesses so they can continue to provide the price.

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 the chance to continue to care for 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 justice compensation.

Nothing can ever be perfect. 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 explained its potential benefits.

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, Mr. President, the U.S. Supreme Court has repeatedly urged Congress to create a solution to this asbestos crisis. In 1997, in a case called Amchem Products v. Windsor, Justice Ginsburg wrote: ‘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 chair 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 understand why we are here and why so many of us have spent hundreds of hours working through the complex issues in trying to develop a
So again, the question is whether a victim is better off in a no-fault trust system 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. If 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 1,100 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 extraordinary as well.

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 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 the 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 condition. But the journey is far from over.

So the question 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 Marine Corp in the late 1950s and again as a pipefitter from 1965 to 1999. He stated that in his job:

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 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. One of the 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 that 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 1995, 80 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.
and paid within 9 months or else they will be allowed to take their case to court. So either they get prompt pay-ment 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 sub-rogation of awards, ensuring that vic-tims’ 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 vic-tims and businesses. My understanding is that the chairman will have a manag-ers’ package that will further clarify and make improvements to the bill as well. I urge my colleagues to look care-fully 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 LANTOS have attempted to address any flaws or ambiguities. This has not been a “take it or leave it” piece of legisla-tion. 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 cur-rently 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 admin-istrator can pay claims quickly.

The bill also provides the administra-tor 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. It provides that terminally ill individuals will have their claims processed quick-ly, 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 ex-pressed, and I want to address it, is that the bill has explicitly exempted 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 pro-vided under the legislation—meaning they cannot be sued.

For example, manufacturing compa-nies that have fewer than 500 employe-es will qualify as a small business. Some categories of manufacturing, in-cluding chemical manufacturing, will qualify if they have fewer than 750 em-ployees.

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 asbes-tos 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 liabil-ity. 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 individ-uals will make claims is clearly an in-exact science—if you can even call it a “science.” Even the Manville Trust, an almost 20-year-old trust that was cre-at ed after the bankruptcy filing of the Johns-Manville Corporation, has had to alter its projections time and time again. We can’t even know how many people have been exposed to asbestos and, of those, who will develop a dis-ease, we must rely on projections based on sound calculations and real-world experiences of other trusts funds. The size of the Manville Trust is based on the strongest statistical data and economic mod-els available. A leading actuary with Tillinghast-Towers Perrin testified before the committee on June 4, 2003, that “$180 billion appears to be more than adequate.” The RAND Corpora-tion estimates the remaining future cost of asbestos-related loss and ex- pense at $130 billion.

By using a no-fault administrative system, the fund will significantly re-duce the substantial transaction costs of the current tort system, costs that most experts agree consume more than half of the total amount being ex-pended. Of the $30 billion of future asbestos-related costs, it is estimated—and listen to this carefully—it is esti-mated that approximately $23 billion, or 21.5 percent, is attributable to de-fendant costs and approximately $1 billion, or 4 percent, will go to plain-tiffs’ 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 con-tinue in the current system, less than 40 percent of the $130 billion estimate of future asbestos-related loss and ex-pense—less than 40 percent will be paid to asbestos victims.

This legislation provides for $140 bil-lion 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 par-ticipants to contribute $136 billion to the fund, and at least $4 billion more would be contributed from confirmed bankruptcy and other asbestos compen-sation trust funds.

As an added protection against the risk of insufficient funding, the legisla-tion gives the administrator of the fund the authority to borrow from commercial and government lending institu-tions.

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.

The argument against the bill make is that victims will be forced to wait years before they receive compen-sation.

While California has a system to pro-vide 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, payment 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 terminally ill individuals as quickly as possible.

An amendment was adopted in com-mittee 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 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 or claims facility is unable to operate. 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 insurer 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 the way 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 Government, including any borrowing authorized. 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].” 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 extraordinary 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 setback 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 yield 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 commendation 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 exiguous claims to see to it that people with mesothelioma and other deadly asbestos-related 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 a 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 difficulties.

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 torrent of words—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 we have 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 I was not present on the occasion of the distinguished colleague from Alabama, Senator DISTONIUS, was 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 co-sponsor, Senator KOHL, is a co-sponsor, 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 an 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 this 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, the memo 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 compensated 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 relative of the insurance company, the Church Corporation, Hartford Insurance, Liberty Mutual, Nationwide Insurance, and Zurich Financial.

Each has received bills, according to this document, for $194.250. ExxonMobil paid $73,000 to the coalition. I shall not read any further, but 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. I shall not from this morning mention any veterans groups using 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 Blind 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 many veterans groups urging Senator Reid not to filibuster the bill. They say:

Mr. Leach: [From the Hill, Feb. 7, 2006]

AIMING AT ASBESTOS BILL

(By Alexander Bolton)

Nearly 20 corporations have paid a total of almost $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 plan 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. 896 on the Senate floor is the face of opposition from the Judiciary Committee conservatives and Budget Committee leadership, has increased the stakes of that vote beyond its importance 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 compensated 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 Senators Reid and Frist (D-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://www.thehill.com/members/...

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 $50,000 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 by targeting three audiences—moderate/conservative Democrat Senators who are deemed persuadable, conservative Republicans 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, DC broadcast stations and Capitol Hill print outlets.

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

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 Majority 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 (Okla.) have voiced concerns over the bill.

It passed out of the Judiciary Committee with the support of all Republican members and Sen. John D. Breaux, D-La., and Sen. Max Baucus, D-Mont., who are rank-and-file Democrats. 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 their ability to sue companies that failed to pay $343.250 to pay for operating and advertising costs, according to the document.

Oglebay Norton, an industrial-minerals company of West Virginia, has received bids for $55,000. Bills for varying amounts have been sent to other member companies.

Exxon Mobil paid $75,000 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 address the issue 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 ASEXTOUS VICTIMS

Just last week, the Democrats' Senate leader, Harry Reid of Nevada, failed to muster 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 act 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 fed-up senators who have been so generous to his party.

The Senate should approve the bill, which would replace the current morass of asbestos litigation that will ultimately pay the claims of victims of asbestos exposure. The fund would be financed by makers of asbestos, a carcinogenic material, and manufacturers that sell products that contain asbestos. 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, skin to workers' compensation, but to asbestos at work but not ill would be entitled to free medical screening every three years.

Lobbyists for trial lawyers, and various companies who interests this feel aggrieved by some aspect of the complex package, are trying to round up lawmakers who will block the bill. A vote is scheduled 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 before the debate begins in earnest, and Democrats want to see asbestos victims treated fairly should not support him.

There are dangers ahead, including the possibility of a Democrat's 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 are grateful to the Senate Committee on Veterans' Affairs for its work to develop asbestos compensation and relief under the Fairness in Asbestos Injury Resolution Act (FAIR) Act. But according to a number of recent media reports, you have read the bill that would give asbestos manufacturers to special interests and have informed Majority Leader Frist in writing that you will oppose this critical legislation. In all frankness, we are disappointed that veterans across this nation—are the solutions that do not consider sick veterans to be a "special interest." The FAIR Act is the only proper compensation to sick men and women who volunteered to fight for our country—compensation 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 politics. We urge you not to stand in the way of full Senate consideration of this vital legislation.

Sincerely,

Air Force Sergeant Association.

American Ex-Prisoners of War.

Blinded American Veterans Foundation.

Blinded Veterans Association.

Fleet Reserve Association.

Veterans of Foreign Wars.

Veterans of the Vietnam War.

Women in Military Service for America.

Marine Corps League.

Military Officers Association of America.

Military Order of the Purple Heart.

National Association of Black Veterans.

Veterans of the Vietnam War.

U.S. Marine Corps.

U.S. Submarine Veterans, Inc.

U.S. Submarine Veteran, Inc.

Veterans of the Vietnam War.

Veterans of the Vietnam War.

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.


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 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 business owners. 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 multimillion dollar damages. Horrifying for a small-business owner is the prospect that they can be hauled into
court without having any relationship to asbesto...s. 852 will fix a badly broken system that is not work...ring and, in the process, compensate victims faster. In addition to lawsuit relief, the legislati...s 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 the asbestos litigation crisis that hurts businesses, 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.

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 MINOR-ITY 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 fair, 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 Associ-
ation.
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 Technolo-
gy.
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.
Austen 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.
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 Deal-
er.
HarleyAuto Parts.
Illuminating Engineers Association.
Indiana Manufacturers Association.
Industrial Fasteners Institute.
International Association of Heat & Frost Insulators & Asbestos Workers.
International Association of Plastics Distri-
butors.
International Union of Painters and Allied Trades.
International Union, United Automobile, Aerospace & Agricultural Implement Work-
ers 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.
Linien King.
Louisiana Association of Business & Indus-
try.
Louisiana Pulp and Paper Association.
Lumber Dealers Association of Connect-
icut.
MacDonald Direct Marketing, Inc.
McDermott International.
Marine Corps League.
Marketing and Promotion, Inc.
MedLife, Inc.
Michael Jordan Realty.
Michaela 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 Servicemen.
National Black Chamber of Commerce.
Nebraska Chamber of Commerce & Indus-
try.
Nebraska Lumber Dealers Association.
Nevada Manufacturers Association.
New Jersey Business & Industry Associa-
tion.
Non-Commissioned Officers Association.
North Dakota National Federation of Inde-
pendent 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-Amer-
ica Chapter.
Pearl Harbor Survivors Association.
Pennsylvania Manufacturers’ Association.
People Dynamics, Inc.
The Plumbers Association, AR.
Plumbing-Heating-Cooling Contractors As-
sociation 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.
The Small Business & Entrepreneurship Coun-
cil.
South Carolina Chamber of Commerce.
State Chamber of Oklahoma.
Steel Manufacturers Association.
Sterling Heights Area Chamber of Com-
merce, MI.
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 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 five 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? The money is much less in many of these instances. Congress, however, has not adopted such a solution.

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

In Ortiz v. Fibreboard Corp., Justice Souter, on the Supreme Court, 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.

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where the real victims get pennies on these cases that will end a system
where 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 system 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 the public interest. We have a duty and a responsibility to super-ordinate 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.

The FAIR Act will provide greater certainty to victims, defendant companies, and insurers. Under the fund, victims will be paid 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 clear minds. He said that their judgment is clouded by K Street 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 a system that led to billions of dollars 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 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 super-interpret the law. 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 who suspect their views are different. 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 worked very hard 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— that 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 position before 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 and 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 especially appreciate the passion there. It is up to us 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?
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 your 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. 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 grade twelve, 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 city bus was one of 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 and it was made 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 arc of justice. She has 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 time is now 5:30 o'clock. I declare the Senate recessed until 9:30 o'clock at night.

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

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 and democracy 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.

Mr. FEINGOLD. I say to Senator Specter and Senator Leahy and Judge Becker: I say to the full Intelligence Committees: “We need to get support from our friends and allies that we need to fight terrorism.”

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 that 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 story. 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 went to war believing 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 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 16,000 American troops have been wounded in Iraq. The President misled the American people and grossly misjudged 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 contrary 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 hearing 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. 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’s Attorney General has already shown a willingness to mislead Congress. Let’s put aside the Attorney General for now. The burden is not just on him to come clean. 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, 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 to stand up and demand accountability, stand up and check the powers 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 cheer leading 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. As 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 been built.

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 a 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.

The President referred to Presidents in American history who cited executive authority to order warrantless surveillance. But of course those past Presidents understood that 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 doubly troubling that what he said about 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. Those 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 distance themselves 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 said 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 35 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 to order wiretaps without a warrant 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 is 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 wiretapping, it requires a warrant or 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 get a 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 a decade earlier 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 warrantless wiretaps.

This particular claim is further undermined by congressional approval of the PATRIOT Act just a few weeks after we passed the authorization for 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 and other foreign intelligence surveillance.

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, 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 FISA overrode any pre-existing inherent authority of the President. As the Senate reports issued when FISA was negotiated and enacted all the changes to FISA in the AUMF that have left office:

That is why both Republicans and Democrats have questioned this theory that somehow the Afghanistan resolution permitted warrantless wiretaps.

The greatest dangers to liberty lurk in insidious encroachments on the sphere of free action. A small incursion of liberty, however minor, may become the stepping stone to a giant stride. I am therefore loath to see, in the very act of safeguarding liberty, any infringement of that liberty.

Well, when the President tells us that his inherent executive power gives him the power to approve this program, he is lying. 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 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:

And the greatest dangers to liberty lurk in insidious encroachments on the sphere of free action. A small incursion of liberty, however minor, may become the stepping stone to a giant stride. I am therefore loath to see, in the very act of safeguarding liberty, any infringement of that liberty.

Experience should teach us to be most on 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 on the sphere of free action. I am therefore loath to see, in the very act of safeguarding liberty, any infringement of that liberty.

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 by law 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.

The President has repeatedly argued that, by merely approving the AUMF, he was following the law. It is true, of course, that the AUMF grants the President certain authorities to conduct military operations in the war on terror. But what the President failed to disclose was that the initiation of these warrantless wiretaps.

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 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.

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

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.”
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 PRESIDENT. The clerk will 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. LEVY. Mr. President, there is a compelling need to reform the current asbestos utilization 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 who 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 criterion which would allow a company to apply for a decrease in payment for their annual assessment into the trust to protect again that outcome. That criterion 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 contribute to 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:

The Administrator (a company may) be exempt from any payment obligation if such defendant participant establishes with the Administrator that it has satisfied all prior 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 of the bill. I 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 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. Key among these 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 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 Members of the Senate 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 Union 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. These are the same 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 was broadest 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 the legislation if we can get it passed. 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, members of the insurance industry, most businesses, and, of course, the American taxpayers.

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.

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

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

I urge Senators to let us move toward solving this problem by supporting our bipartisan bill to at long last help solve the asbestos problem by providing fair compensation to victims of asbestos exposure.
February 7, 2006

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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 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 diseases continue to kill millions of 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.

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 major 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 a reliable asbestos provision. 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 previously receive in the judicial system.

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

(5) The Bill does not have reliable, transparent, and enforceable provisions. 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 that 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 yet another delay 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 to make 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 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 the same. We are 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 not be funded 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 is 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 other services to leading law firms, Fortune 500 companies, and government agencies.

Their Environmental & Product Liability (EPL) practice offers economic, 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 on 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 a custom-tailored analytical tools that estimate clients’ future asbestos liability from personal injury and property damage lawsuits. In the early 1990s, Dr. 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 form the 1950s to 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 this hearing, 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 re-evaluation going through certain pre-conditions 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 bankrupt trust fund that is 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 will be compensated.

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 vote for the record, 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,” “Buddy et 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 lot 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 managers’ amendment will fit together. Once 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 total bill before 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 5 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. SPECTER. Mr. President, I note the floor for 5:40 arrived. I was in the middle of commenting about the work which the distinguished ranking member, Senator Leach, and 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 Leach 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 here, in the period 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 do 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 all the misunderstandings that 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 has 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 it is 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 cannot impose a 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 used 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 to the companies with lesser gross revenues will pay, all of which is directed to the companies with lesser gross revenues will have to pay, all of which is directed to produc...
Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The Assistant Legislative Clerk proclaims the presence of a quorum.

Mr. LOTT. Mr. President, I suggest the motion to lay on the table was agreed to.

The motion to lay on the table was agreed to.

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

The Presiding Officer (Mr. MARSHALL). Without objection, it is so ordered.

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

Mr. LOTT. Mr. President, in a few moments, I will be closing down for the evening. But I did want to comment very briefly upon the wonderful experience I have had, in addition to the comments today as well, of having 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 this morning, joined by the House delegation that was 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 example, 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, rode 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 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 inate 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, 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 that 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 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 turn there 3 days 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, “that all men are, indeed ‘created equal.’”

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, that we have a responsibility to 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 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 with many children doing 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 his studies 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 career 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 58th Armor Regiment of the 3rd Heavy Brigade Combat Team, 3rd Infantry Division, 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 knowing that he touched the lives of so many. 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.

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.

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 African American 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 enlistment in the service. He is survived by his wife Julie; two children, Jeff and Sarah; four grandchildren; his mother, wife Julie; two children, Jeff and

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 "Protection of Stratospheric Ozone: The 2006 Critical Use Exemption from the Phaseout of Methyl Bromide" (RIN 0690-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 "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.

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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. 2298. A bill to establish the Math and Science Teaching Corps; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM:
S. 2299. 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. 2290. 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. STEVENS (for himself, Mr. INOUYE, Mr. ROBERTS, Mr. REED, and Mr. BROWNBACK):
S. J. Res. 36. 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. SPICER):
S. Res. 36. A resolution congratulating the Pittsburgh Steelers for their victory in Super Bowl XL; considered and agreed to.

By Mr. REED:
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

At the request of Mr. GREGG, the name 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.

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.

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.

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.

At the request of Mr. ALLARD, the names of the Senator from Hawaii (Mr. INOUYE) 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.

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.

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. INOUYE) 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.

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.

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.

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2038, a bill to provide for loan repayment for prosecutors and public defenders.

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.

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.

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.

At the request of Mr. OBAMA, the name 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. WARNER, the name of the Senator from Virginia (Mr. HARKIN) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week.

S. RES. 33

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. 385

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 introduction 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 or 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. 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 form 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 tipped 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 colleagues, Representative English, has introduced a companion bill in the House of Representatives and 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 said that "few scientists have 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. Norman, 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 strain 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 spread 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 United States.

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 the benefits of agricultural development and 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 the past 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 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 this 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:

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; and he has received honorary degrees from colleges and universities in virtually every State of the United States.

(4) Dr. Borlaug also serves as President of the International Food Prize Foundation.

(5) Dr. Borlaug’s accomplishments in terms of bringing new hope 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 strain of wheat that could exponentially increase yields while actually resisting disease.

(7) With the active support of the government involved, Dr. Borlaug’s “green revolution” uplifted hundreds of millions of people 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 Peace 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 Science Award, the Science Citation Award 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 the Nobel Peace Prize-winning organization, the International Food Prize Foundation.

DEFINITIONS.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President, or the President pro tempore of the Senate, or the Speaker of the House of Representatives, may authorize the minting of a gold medal commemorating the life of Dr. Borlaug.

(b) N UMISMATIC ITEMS.—For purposes of section 5334 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; PROCEDURES FOR 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) PROCEDURES FOR 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 2320 Rungius Road in 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 Presidential-appointees 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 Governors 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 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 and wildlife. By attending one 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 M. 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 focus presents an 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, online 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. 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. There are explicit conditions 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 United States 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 $3 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 the cost 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, cooking, and as an essential feedstock for the production of ammonia for use in fertilizer production. It is necessary to the manufacture of 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. This per 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 consumer can expect 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 President to require that the area have 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.

The 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 think that the 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.

(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 sub-section (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. 1332).

Mr. HINGAMAN. 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 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 would not affect an area recently 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 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 would not interfere with military activities.

The area to be leased under the bill is estimated to contain some 6.03 Tcf 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 this area.

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 are already 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 7 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 address in the 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 Interior 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 seeds; 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 Middle Rio Grande Bosque is the largest contiguous cottonwood forest in the southwestern U.S., 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 habitats 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 cardboard boxes 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") has taken 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 senators 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, through a hydrotechnic connection between the Middle Rio Grande and the Middle Rio 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) IN GENERAL.—In general:
(1) The Secretary may select restoration projects in the Middle Rio Grande based on feasibility studies;
(2) The Secretary shall consult with:
   (A) the Middle Rio Grande Endangered Species Act Collaborative Program; and
   (B) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative;
   (C) 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;
   (D) to pay 75 percent of the total costs of the restoration project (including the cost of providing necessary land, easements, rights-of-way, relocations, and disposal of materials); and
   (E) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the restoration project incurred after the date of enactment of this Act; and
(3) to the maximum extent practicable, to consider the following:
   (A) the cost of providing necessary land, easements, rights-of-way, relocations, and disposal of materials;
   (B) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the restoration project 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 1954 (42 U.S.C. 1962d-5b), a non-Federal interest carrying out a restoration project under this Act may include a nonprofit entity:
(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 of materials; and
(B) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the restoration project 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.

(3) RECREATIONAL FEATURES.—In general:
(A) 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 costs of designing and constructing activities carried out by the non-Federal interests (including activities carried out by 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 restoration 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 may be 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 was a hard-fought one, facing the Cincinnati Bengals, the Indianapolis Colts, and the Denver Broncos, making the Steeler 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 Willie Ward, who caught 5 passes for 123 yards and 1 touchdown, was named the 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.

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); electricians, energy, asbestos, 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
February 7, 2006

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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. 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 the United States. Injury and illness 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 asbestos-exposed Americans die from asbestos-related illnesses each year. 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 is 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 more are 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 being struck by this disease and suffering from it.

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 mowing the lawn, he can’t remember things such as when to take his medication, he can’t drive because he is dizzy and can’t concentrate on the road.”

Margy Bergher 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—Congratulations 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, D.C. 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 rescheduled 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 and report on the feasibility and desirability 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 COMMERCİE, 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 of the Senate on 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 RELATION

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 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. FRIST, the majority leader, said last week on a national morning news program that he would oppose cuts in the National Guard.

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, introduced a resolution on the National Guard last week. 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 last week. General Lempke 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.

The 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 relating thereto be printed in the Record, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

The concurrent resolution (S. Con. Res. 69) expressing 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;
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 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 center 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 with 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 fact the honor 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 went on to make an inter-truly remarkable team, inspired by this great family, the Rooney family, and a great coach, Bill Cowher.
road and beat Cincinnati and then go on the road and beat Denver and Indi-
apolis and that phenomenal tackle made by Roethlisberger, which may be as important in Steelers’ lore as the “immortal reception” by Franco Harris 25 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 accomplish-
ments.

A special tribute to the Rooney fam-
ily 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 patri-
arch, 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 pa-
rade on the Senate floor which takes my attention. I don’t think I will be 
missing that.

Mr. FRIST. I ask unanimous consent 
the resolution be agreed to, the pre-
amble 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. 369) was 
agreed to.

The preamble was agreed to.

The resolution, with its preamble, 
reads as follows:

S. Res. 369

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 organi-
zation, tying Pittsburgh with the San 
Francisco 49ers and Dallas Cowboys for 
the most Super Bowl wins in the history of the 
National Football League;

Whereas, after losing a game to Cincinnati 
December 4, and dropping their record to 
7 wins and 5 losses, the Steelers won 8 con-
secutive 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 affection-
ately known as “The Bus,” and is the 5th 
leading rusher in NFL history, was the emo-
tional 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 quar-
terback Ben Roethlisberger was the young-
est 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 Steelers since the 
founding of the team in 1933, have provided 
the Steelers organization with a level of sta-
Bowl;

Whereas, at the age of 23, Pittsburgh quar-
terback Ben Roethlisberger was the young-
est 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 Steelers since the 
founding of the team in 1933, have provided 
the Steelers organization with a level of sta-
Bowl;

Whereas, at the age of 23, Pittsburgh quar-
terback Ben Roethlisberger was the young-
est 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 Steelers since the 
founding of the team in 1933, have provided 
the Steelers organization with a level of sta-
sistency and a hard-working, well-deserved victory in Super Bowl XL.

CONGRATULATING THE AMERICAN DENTAL ASSOCIATION

Mr. FRIST. I ask unanimous consent 
that the Senate proceed to the imme-
diate consideration of S. Res. 369, 
which was so ordered.

The PRESIDING OFFICER. The 
kler 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 im-
prove 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 resolu-
tion to congratulate the American 
Dental Association for sponsoring the 4th annual “Give Kids a Smile” program, which 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 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 
$17,000,000,000 annually in non-reimburs 
ed dental care;

Whereas nearly 11,000 dentists provided ap-
proximately $33,000,000 of free care to almost 
50,000 children in the 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 As-
sociation for establishing and continuing its 
sponsorship of the “Give Kids a Smile” pro-
gram;

(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 
volunteer their time to bring a smile to 
the faces of hundreds of thousands of chil-
dren on February 3, 2006;

APPOINTMENT TO READ WASHING-
TON’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.
REMEMBERING ROGER GROSSMAN

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Ms. WOOLSEY. Mr. Speaker, I rise with sadness today on the occasion of the death of my friend and constituent, Roger Grossman of Mill Valley, California, who died January 26, 2006, after an extended battle with prostate cancer.

Roger was relatively new to Marin County, arriving 5 years ago as the new publisher for the Marin Independent Journal, the IJ, the daily paper for thousands of residents. He quickly established himself as a forceful, astute leader and a caring contributor to the community, both as an individual and in his role as newspaper publisher.

Originally from Seattle where he got his start with the Seattle Post-Intelligencer, Roger also worked at several radio stations, held publishing posts in San Diego and Michigan, and wrote, “Eleven Steps to Advertising Success.” In 1989 he joined MediaNews Group, the parent company of the Marin IJ.

One of Roger’s best-known activities was his crusade to bring attention to the issue of workforce housing. Realizing that the high cost of housing in Marin County was hurting the economy by driving workers farther and farther away, he ran a hard-hitting series highlighting the issue and championed the creation of the Marin Workforce Housing Trust by the County’s large employers. He also spoke out on the issue and championed the creation of the Marin Workforce Housing Trust by the County’s large employers. He also spoke out on Marin’s high rates of both breast cancer and prostate cancer, important public health issues.

A frequent presence at so many events that an IJ editorial opined that he “seemed to be everywhere,” Roger’s visibility was enhanced by his imposing physical stature, vibrant energy, and warmth of spirit. As an advocate for the many nonprofits that are the fabric of the community, he supported causes ranging from women’s health care to youth services. He served on many boards including Dominican University of California, Big Brothers Big Sisters, Marin Ballet, the Novato Chamber of Commerce, United Way, the California Film Institute, and the School to Career Partnership and won several awards including Heart of Marin.

He is survived by his wife Cheryl and children Erik, Stephanie, Trent, and Elliott.

Mr. Speaker, Roger Grossman’s passing will leave a hole in the fabric of Marin County. His compassion, resolve, and buoyant energy leave a legacy for us in how one person can make a difference to his community, his colleagues, his family, and his many friends.

HONORING JUDGE MARIO J. ROSSETTI

HON. THOMAS M. REYNOLDS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Mr. REYNOLDS. Mr. Speaker, it is with great pride that I rise today to honor a respected jurist, a dedicated public servant and a trusted friend upon the occasion of his retirement from the New York State Court of Claims.

Born in Worcester, Massachusetts, to proud immigrant parents, a long-time resident of Buffalo and Williamsville, New York, Judge Mario J. Rossetti began his public service when he joined the Niagara Frontier Port Authority early in his legal career. Rossetti also served as a confidential lawyer to the Erie County Surrogate’s Court through 1981.

Judge Rossetti’s dedication to public service culminated when he was nominated by Governor Mario Cuomo, and confirmed by the New York State Senate, as a New York State Court of Claims Judge in 1987. The day Judge Rossetti swore the oath of office was one of the proudest days of his life, though he lamented that his deceased father could not be there to witness this moment to the post by Governor George E. Pataki. Judge Rossetti has served as a Court of Claims Judge and Acting Supreme Court Justice since 1987.

Mr. Speaker, in the cases that have come before him, Judge Rossetti has dispensed justice with great compassion and firmness of judgment. Judge Rossetti’s deep love of the law and his regard for the highest potential of the legal profession deepened his sense of fulfillment while on the Court. Attorneys practicing before Judge Rossetti often remarked that they enjoyed trying cases before him because he let them try their cases as the advocates that they are supposed to be, with the Judge enforcing the rules of the court.

Mr. Speaker, Mario Rossetti’s involvement in a variety of civic and community organizations have made their mark on the community. Most of those endeavors also bore the unmistakable mark of Helen Rossetti, nee Pacini, Mario’s dear wife who passed away in June. Married in Buffalo in 1958, the couple had six children, Michael, Thomas, Ann Marie, Barbara, David and Renee.

Mr. Speaker, in recognition of and in gratitude for his service, leadership and patriotism, I ask that this honorable body join me in honoring Judge Mario J. Rossetti upon the occasion of his retirement, and wish him great health and happiness in the days and years ahead.

TRIBUTE TO REPRESENTATIVE COOPER EVANS

HON. JIM NUSSLE
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Mr. NUSSLE. Mr. Speaker, I rise to pay tribute to Representative Cooper Evans, who passed away on December 22.

Representative Evans served in the Iowa General Assembly from 1975 to 1979 and continued his service to Iowans in this Chamber representing from 1980 until 1986. He was a friend and colleague to many Members who still serve in the U.S. House of Representatives today.

One of the reasons I made the decision to enter public service was because of Cooper Evans. As a young student at Luther College volunteering for Congressman Evans, I was able to see firsthand his dedication to improving the lives of Iowans.

Following his service in Congress, he served as a policy advisor to President George H.W. Bush beginning in 1991. In that capacity, Representative Evans continued his service to Iowa by bringing his agriculture experience and offering his voice as a Midwesterner within the administration.

Representative Evans led an impressive life. He served our country during World War II in the Army Corps of Engineers, using skills he learned at Iowa State University. When the United States began to strive for its goal to land an astronaut on the Moon, Cooper Evans continued his work as an engineer, as NASA’s Director of Lunar Missions.

In more recent years, Representative Evans worked to promote agriculture throughout the world and bring food to those in need through his work with Volunteers in Overseas Cooperative Assistance. This effort helped bring better nutrition and stability to those living in the former Soviet republics.

Mr. Speaker, I am pleased to pay my respects to Cooper Evans. He led a life of service to the people of Iowa. My thoughts are with Jean Evans and her family and friends, as they grieve for their loss, but also celebrate the life of Cooper Evans.

ARTICLE BY RABBI ISRAEL ZOBERMAN

HON. THELMA D. DRAKE
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Mrs. DRAKE. Mr. Speaker, I am pleased to share the following article written by a constituent, Rabbi Israel Zoberman.

This is a time of critical crossroads. Israel’s Prime Minister Sharon’s serious health condition would have been a cause for concern, nationally and internationally, at any time. The current timing, however, is bound to offer a host of challenges.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Having just recently formed a new centrist political party, Kadima (Forward), Sharon's popularity in the Israeli public has initially catapulted it in the polls to the top of the March 25 elections with vacancies in representatives in Israel's 120 seat Knesset (Parliament). It is doubtful now that presumably in Sharon himself in active participation, Kadima will muster such commanding influence.

This reality allows the Likud party, created back in 1973 and founded by his defection due to its hard-line vis-a-vis the Palestinians and Sharon's changed posture, to reemerge as a potent power under Netanyahu's leadership. The Likud has also been opened to potential gains by Labor with its head and rising star, Peretz, who defies Peres.

An unsettled and unsettling Israeli scene is bound to have repercussions, at least temporarily, for the peace process which has finally gathered momentum given the disengagement from Gaza and the northern West Bank. A breakthrough move master-minded by Sharon's single-mindedness and quite smoothly facilitated with the aid of Israel's responsive democracy. The Palestinians and Arab rejectionists might be tempted to take advantage of the temporary vacuum left by Sharon though the government is fully functioning, and test the waters, inviting increased tension in a volatile context.

Shamey which can not be denied nor hopefully diminished but only enhanced, is his crowning and courageous transformation from a right winger vehemently opposed to Rabin's Oslo Initiative to a responsible leader who upon becoming Prime Minister painfully appreciated the need for a peaceful Palestinian state next to a secure Israel. I recall being in Sharon's company years ago when as the architect of West Bank settlements, he zealously displayed his interest. Thus his radically revised course was met with disbelief and hostility by long time friends and supporters, turning him into possibly the most guarded man on earth, traveling by helicopter rather than car.

I will cherish my memorable encounter with Sharon in December 2000 in Jerusalem, exactly two months before first elected Prime Minister painfully appreciated the need for a peaceful Palestinian state next to a secure Israel. I recall being in Sharon's company years ago when as the architect of West Bank settlements, he zealously displayed his interest. Thus his radically revised course was met with disbelief and hostility by long time friends and supporters, turning him into possibly the most guarded man on earth, traveling by helicopter rather than car.

A colorful man of charisma and charm, conflict and controversy, Sharon nonetheless succeeded in gaining his nation's confidence as Prime Minister due in large measure to his leadership in the Palestinian territories. Even his response to Palestinian provoked attacks has been quite cautious, partly because, I believe, of his desire to rehabilitate his past tarnished image. His insistence on eradicating the security-barrier in face of outside opposition substantially reduced terrorist attacks. Nicknamed the “bulldozer” who does not stop at a red light with negative and positive attributes, he proved to be “the comeback kid” exhibiting remarkable skills in Israel's political mine-field.

The last of Israel's fatherlyfigures inspires awe, turning from politician into statesman, he enjoys a close working relationship with President Bush who highly values his Israeli partner in pursuit of common goals in a terrorism threatened world. However, the basic bond between the two intimately linked allied countries will persist with whoever is Israel's leader or America's. Even as we pray for Sharon's well-being we traumaically learned of the fateful impact on the family of duty can make, and of the human boundaries of even great historical personalities. In health and sickness, Sharon has come to symbolize an embattled Israel on the fronts of war and peace fighting to prevail.

HONORING JAMES E. PFEIFFER
HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor James E. Pfeiffer of Sausalito, California, who died January 14, 2006, while hiking on the Marin County trails that he loved. Jim will be remembered for his contributions to his community and the youth of California as well as for the leadership he provided to the Foundation of the State Bar of California.

Born in St. Louis, Missouri, in 1945, Jim earned a B.A. from Wesleyan College in Iowa and an M.A. from George Washington University in Washington, DC. He worked for the YMCA in New York and Connecticut before relocating to California in 1976 as Program Director of the Sonoma County YMCA.

Jim also served stints at the YMCA in Los Gatos, the Diocese of San Jose, the Japanese American Community Center, and the Charles Armstrong School, before becoming the first Director of the Foundation of the State Bar of California upon its establishment in 1990. He later became its first employee as well as continuing to manage a volunteer board of directors.

Founded to fund law-related education and public service and to provide scholarships to law students, the organization under Jim’s leadership raised corporate sponsorships of several hundred thousand dollars per year. Due to his guidance, it now supports the development and promotion of peer courts for first-time youthful offenders who commit a misdemeanor; awards 40 grants annually to causes such as “Kids in the Law” and “When You’re Over 18” publications; and offers scholarships and internships to applicants from all over the State.

Jim also spearheaded the creation of the Legal Heritage Institute which sends a high school student to Sacramento for a week to experience the courts and legal issues in the Capitol and for several years served as executive director of the California Supreme Court Historical Society where he focused on the recovery and promotion of the State's judicial history. He retired from the foundation in 2003 due to illness and death of his wife, Bonnie Hough. His courage, spirit, and warmth were an inspiration to all of us who knew him and are a continual reminder not only of what we have lost, but also of what we can achieve.

CONGRATULATIONS TO HOWARD FRIEDMAN
HON. BENJAMIN L. CARDIN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Mr. CARDIN. Mr. Speaker, it is with great honor that I rise today to congratulate Howard Friedman on becoming the new President of the American Israel Public Affairs Committee, AIPAC. Howard Friedman is one of the most dedicated and talented individuals I know, and AIPAC will be in good hands under his leadership.

Howard is a resident of Baltimore. He is also the Managing Partner of Lanx Capital, a hedge fund advisory firm, and is the co-founder and Vice Chairman of Circa Group, an investment group. In addition to his success in the business world, Howard has a long-standing commitment to Israeli communal affairs. He has served as the Campaign Chairman of the Associated Jewish Community Federation of Baltimore and as President of the Baltimore Jewish Council. He also serves on numerous boards, including 1st Mariner Bank, AIPAC and Smithsonian Institution.

In assuming the helm of AIPAC, Howard knows these are difficult times for Israel and the peace process. But he also knows that Israel is an island of democracy and freedom in a sea of totalitarian, repressive regimes. As the President of AIPAC, Howard will work to continue to strengthen the U.S.-Israel relationship. Israel is the only Western democracy in the Middle East and it’s vital that our bond remains unshakable.

The enemies of Israel are strong, and AIPAC is an important ally in combating those who seek the destruction of Israel. Mr. Speaker, I urge my colleagues in the U.S. House of Representatives to congratulate Howard Friedman on his new role as President of AIPAC, and affirm our support for the State of Israel.
HONORING THE MEMORY OF
JUDGE ART DANNER
HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the memory of my dear friend, the late Judge Art Danner. Art died unexpectedly on Saturday the 28th of January, leaving a void in both the legal community and the community at large. As a friend, experienced lawyer, Superior Court Judge and respected public servant, Art heavily impacted Santa Cruz County, and it is fitting that we honor him today. Art is survived by his wife, Betty Danner; his parents, Arthur Danner Jr. and Marie Danner; and his sons, Arthur and Andrew Danner.

Art was revered in Santa Cruz for his commitment to justice and the strength of his personal convictions. Art built a reputation for tenacity as the district attorney for Santa Cruz County, as each of his cases was debated with patience and fortitude. This determination was characteristic of Art throughout his career as a prosecutor. As district attorney, he was known for his tireless pursuit of justice and was acknowledged of his responsibility to the public as the chief law enforcement officer in the County. This sense of responsibility and service resonated throughout the community, instilling public confidence in the judiciary and the Judge himself.

Art retained these qualities as a jurist, proving to be dynamic in approach and pragmatic in his application of the law. In the courtroom, he applied himself with imagination and fervor, showing himself to be a considerate and pensive judge, ensuring that every case before him was decided in accordance with established law and the principles of justice, liberty and equality.

As a member of the society, he was held in the same high regard. Community groups have recognized Art for his tireless work as a prosecutor, judge and active citizen. For all that knew him, both in his professional and personal capacity, he was an inspiration and is regarded as a man of integrity and unrelenting diligence. Today we honor the memory and cherish the legacy of Judge Art Danner.

HONORING THE PEOTONE FIRE-MAN FOR 125 YEARS OF SERVICE
HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to recognize and honor Tom Page for his many years of service to his community. Starting in 1958, Mr. Page devoted 30 years of his life to the Barrington Police Department, climbing the ranks from patrolman to chief. His service did not end there. He went on to represent Barrington, New Jersey, as a councilman for a total of 7 years, with a term as mayor in between.

Mr. Page took time out of his busy schedule to join in and manage the Barrington Little League and Girl’s Softball League. He is a past member of the Barrington Ambulance Corps., the PBA Local 328, and a past associate member of the Barrington Fire Co. Tom is retired from the International Association of Chiefs of Police and NJ State Association of Chiefs of Police, as well as the ex-president of Camden County Police Chiefs Assoc. Currently, Tom Page works for Camden County Department of Corrections as a training officer.

Tom Page is a pillar in my community, and he has served us well for 43 years. I express my sincere gratitude to Mr. Page for over four decades of service to his community.

STATEMENT IN SUPPORT OF CATHOLIC SCHOOLS WEEK
HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Mr. HIGGINS. Mr. Speaker, I rise today in strong support of House Resolution 657, which has been offered by Mr. Kennedy from
Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to join with my colleagues in supporting this resolution, and I thank my colleague Mr. KENNEDY for his leadership on this issue.

STEPHEN AND MARY PETRILLA: GET WELL SOON

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to honor two very special people while offering my prayers and warmest wishes for their quick return to full health.

Stephen and Mary Petrilla are 50 year residents of Hamilton Township—the largest municipality in my congressional district in central New Jersey. As teachers, parents and local residents, they live quiet but influential lives, earning the respect and devotion of their students, neighbors, and fellow parishioners at Saints Peter and Paul Parish in Trenton, New Jersey. Their family and friends are inspired by their faith, kindness and commitment to helping others.

Mr. Stephen Petrilla is a veteran of the United States Army and was injured while serving his country in the line of duty. He is a member of the American Legion, the DAV and the Elks.

For nearly 75 years, Mr. Petrilla dedicated his life to the field of education, helping children in either a teaching or administrative capacity. A former administrator for two training schools for challenged children, Mr. Petrilla’s passion was focused on special education, helping children with mental retardation and working to ensure that State and local governments did more to meet the needs of our precious children who face special challenges.

Mr. Petrilla organized and directed shelter workshops for challenged children across the State and later worked as a special education teacher in Lawrence Township and at Sister Georjine’s Learning Center in Trenton. His inspiring commitment to helping children has been recognized through various honors including being named a Fellow in the American Association of Mental Deficiency and being featured in various Who’s Who publications including Who’s Who in the East, 1979, and Who’s Who in Child Development Professionals, 1976.

Mrs. Mary Petrilla has been a constant source of love and support for her husband and their children, while also distinguishing herself in the teaching profession. After receiving her bachelor of arts degree at St. Joseph’s, Mrs. Petrilla began working as a teacher eventually advancing her way to become one of the first female elementary school principals in the Pennsbury School District. She also taught adult education classes in Trenton while serving as a private tutor. For 20 years, Mrs. Petrilla served as a home instructor for Ewing Township Schools, helping children with illnesses who were physically or medically unable to go to school. She also served as a supplemental teacher for “English as a Second Language” and Basic Skills Instructor until her retirement in 1994.

Lots of children have benefited from the hard work, commitment, love and compassion the Petrillas each exuded on the job, in their careers in education. And it is important to note, that that same love, generosity, empathy, nurturing and mentoring was and remains a hallmark of the Petrilla home. They are the proud parents of five children and eight grandchildren and their family feels abundantly blessed. They have shared with me inspiring stories that truly capture their parent’s extraordinary example of reaching out and helping others through their lives.

We join with their family and friends in thanking the Petrillas for dedicating themselves to successfully helping our community, and we offer our continued prayers for their comfort and full recovery.

INTRODUCTION OF THE PRESCRIPTION DRUG SAFETY AND AFFORDABILITY ACT

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Mr. STARK. Mr. Speaker, I rise today to introduce legislation that will bring some sanity back to prescription drug marketing, and help bring down the astronomical costs of prescription drugs. The Prescription Drug Safety and Affordability Act will force manufacturers to educate physicians instead of spending billions of dollars wining and dining them.

As Congress begins to investigate its own ethics, we should also shed some light on the immoral relationships between the pharmaceutical industry and physicians. Golf trips and lavish meals—what the industry calls “physician education” efforts. According to a recent report in the Journal of the American Medical Association, JAMA, there is a clear conflict of interest when doctors become too cozy with pharmaceutical companies.

Drug companies annually spend about $10,000 on every single physician in the United States trying to entice doctors to prescribe their drugs. That adds up to nearly $8 billion in annual spending by drug companies marketing their products to physicians. It is not unusual for doctors to receive lavish meals, all expenses paid “educational” trips to posh resorts, and lucrative consulting deals from pharmaceutical manufacturers. Every single dollar spent on these unnecessary gifts is tax deductible for the drug industry as a general business expense.

The Pharmaceutical Research and Manufacturers of America, PhRMA, pretended to discourage these improper marketing ploys by issuing conflict-of-interest guidelines in April 2002. After announcing the guidelines with fanfare, they then paid the American Medical Association to “educate” their members on these guidelines—that is, they gave doctors financial incentives to promote ethical guidelines that called for an end to financial incentives! It is obvious that PhRMA is not serious about ending the practice of giving financial incentives to doctors.

Regardless of what PhRMA may say, the marketing tactics are still working. It is clear from the JAMA study that self-policing won’t work. “Although physician groups, manufacturers, and the federal government have instituted self-regulation of marketing . . . current controls will not satisfactorily protect the interests of patients.”

Doctors swayed to prescribe a certain drug because of their financial ties to drug companies put their own personal interest above the health and safety of their patients.

This must stop now. My legislation will curb unnecessary spending physician gifts to the benefit of all patients.

The Prescription Drug Safety and Affordability Act is a simple way to ensure pharmaceutical companies’ behavior matches their rhetoric. This bill eliminates the tax-deduction that pharmaceutical companies currently receive for spending on physician gifts. The bill specifically exempts free drug samples, as that is often the only means by which uninsured patients can get medications.

Unnecessary physician gifts from the drug industry unduly influence prescribing, increase drug prices and corporate profits, and endanger patients who get the wrong prescriptions for the wrong reasons. By removing incentives for pharmaceutical companies to lavish gifts of dubious public value on physicians, I hope
that pharmaceutical companies will either redirect those funds toward research and development of lifesaving drugs or reduce the prices of prescription drugs for seniors and all Americans. The American Medical Student Association has endorsed the Prescription Drug Safety and Affordability Act. This group of future doctors—not yet beholden to the drug industry—recognizes the importance of this bill and the problems physicians’ gifts cause in the doctor-patient relationship. I am pleased to submit their attached letter of support for inclusion in the Congression al Record.

I urge my colleagues to join me in support of the Prescription Drug Safety and Affordability Act. Prohibiting the drug industry from lavishing unnecessary gifts on physicians is a nonpartisan issue that should receive bipartisan support. If we can clean up Congress there is no reason we shouldn’t clean up health care. It is time to stop using taxpayer dollars to fund marketing campaigns that put profits above patients.

American Medical Student Association Foundation, Reston, VA, February 1, 2006.

Hon. Pete Stark, House of Representatives, Cannon House Office Building, Washington, DC.

Dear Representative Stark: On behalf of the 60,000 physician-in-training members of the American Medical Student Association (AMSA), we would like to offer our strong support for the Prescription Drug Safety and Affordability Act. The impact of pharmaceutical marketing on the professional behavior of physicians is very concerning to the future physicians of America. AMSA has long advocated for physicians to protect their independence from the pharmaceutical industry.

We applaud the Prescription Drug Safety and Affordability Act as a way to reduce the financial incentives for promoting drugs. The pharmaceutical companies spent $7.3 billion on detailing to doctors in 2004, more than twice what was spent in 1997. These gifts to physicians contribute to the high cost of medications for our patients. Taxpayers should not further subsidize this behavior through the deductibility of drug company promotions to physicians.

Gifts from the pharmaceutical industry have an eroding effect on the doctor-patient relationship. Studies have documented how those gifts influence the prescribing behavior of physicians, often in ways that deviate from the recommended treatment guidelines. However, the most obvious evidence that gifts influence physicians in the fact that drug companies would not spend billions of dollars on pens, meals and honorarium if it did not pay dividends.

Since 2002 AMSA has been entirely independent of funding from drug companies in our operations, and we have called for other physician groups to follow our lead. Last month the Journal of the American Medical Association published recommendations from leading academicians that academic medical centers—where physicians are trained—should be entirely free of pharmaceutical representatives, industry sponsored meals and free samples. We applaud the institutions of medical education for taking this step.

AMSA’s PharmFree Campaign (www.americanmedicalstudent.org/pharmfree.cfm) has been cited in major medical journals, making AMSA a leader in removing the pharmaceutical companies’ influence in the practice of medicine. AMSA launched the Counterdetailing Campaign where medical students teach physicians to use non-biased sources of information about prescription drugs. Time magazine and USA Today have featured AMSA and our Counterdetailing Campaign. Through AMSA, medical students continue to lead the drive to protect the doctor-patient relationship from outside influences.

The Prescription Drug Safety and Affordability Act will significantly reduce the influence of the drug industry from the practice of medicine. AMSA is proud to support your efforts and leadership in this issue. If we can help in any way, please contact Chris McCoy, Legislative Affairs Director at 703-620-6600 x 211.

Sincerely,

Lekana S. Yen, National President.
Christopher P. McCoy, Legislative Affairs Director.

TRIBUTES TO BARBARA JAENHE, TRACY BOUND, CATHY BRAINARD, CELIA SELWACH AND KENDALL JONES

HON. KATHERINE HARRIS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Ms. HARRIS. Mr. Speaker, I rise today to recognize five extraordinary women whose diligence and determination have led them to the pinnacles of their chosen professions. Despite their numerous successes, it often is the case that their contributions are unrecognized.

One goal of my Women In Business Initiatives is to highlight positive role models, engage them in the community and applaud their worthy contributions. To achieve this end, I asked my constituents to nominate a business woman whom they believed deserved recognition.

A woman whose compassion and charity has been invaluable in lifting others to greater heights. These women represent the very best our State and Nation has to offer. It truly is an honor and a privilege to serve as their representative in Congress.

Woven from unique backgrounds, their histories share a common thread—a refusal to allow obstacles placed in their way by outdated thinking or unpredictable circumstances to delay the pursuit of their dreams. A wife, a mother, a medical professional, and an active member of the community, Barbara Jaehne could have found equal success as a juggler if her passions had not led into the field of medicine. Currently, Jaehne serves as chairman of the board of speech language in the Department of Pathology and Audiology at the Florida Department of Health.

Her work managing two offices in Venice and Englewood and her involvement with initiatives to improve the lives of the hearing impaired have not confined Jaehne to professionalits. The Republican Exectutive Committee of Sarasota County, as well as the Manatee Community College, is one of the varied organizations on whose behalf she volunteers her energy and her time. Tracy Brainard is literally the ground-breaker of this distinguished group. Her role as office manager, Brainard is an integral member of the team at Coastal Construction South-west, a construction company owned and administered by women. Coastal Construction President Evelyn Treworgy has made note of her “most unbelievable work ethic,” an invaluable quality in any field.

Recognizing the indispensable role she holds within the company, Treworgy has stated that Brainard is “respected, trusted and absolutely depended upon by not only the principals but also fellow employees.” It has been said of Cathy Brainard that she “works until all of her duties are completed” and her tasks are “always handled with complete professionalism.” If there were a key to Cathy’s success, it certainly is the single-minded commitment she brings to every endeavor. From the front desk, where Boudreau began her career at the Palmetto Report, to the office of the President, Boudreau has earned the high praise and respect of her colleagues and peers.

Another individual not content to limit her horizons, Cathy also functions as event and group planner and assistant to the director of sales and marketing.

In 2000, when Celia Selwach launched her own company—Creative Collaborations Consulting—there were no surprised faces to be found. After graduating in 1990 from West Point, Celia earned distinction as a senior parachutist and subsequently, her captain’s bars were pinned to her uniform. The most serious consequence of their profession is the requirement of flawless performance in the aftermath of Hurricane Andrew.

The skills which served her as a logistics specialist in the Army were an asset in her various roles with the Tropicana Corporation. Determined to positively impact others, Selwach shares her entrepreneurial vision through her column for The Maddox Business Report, a Tampa Bay business magazine with a focus on diversity.

More importantly, Celia recognizes the power of her position as a role model within the Hispanic community. This commitment earned her recognition by the Girl Scouts Gulf Coast of Florida branch, which awarded her the President’s Merit Award for service above and beyond expectations, particularly in the area of Hispanic outreach. It has been said of Selwach that she possesses “tremendous personal strength and unlimited potential,” qualities which have sustained her through difficult life challenges.

Kendall Jones. In the words of her business partner, Anand Pallegar, Jones is “driven by the love of this community and a desire to make it better.” As editor of the S2 Report, the only free digital daily business news report in Sarasota and Manatee counties, Jones recognizes that the business community is hungry for information, yet starved for time. Her success in reaching a balance is evident in the publication’s growing readership, not to mention the first-place award she received from the Gulf Coast Business Review for in-depth writing.

The audience Jones places the greatest priority on reaching is an audience of one—her daughter, whom she single-handedly raises. When she is not keeping the business community up to speed on events, Jones is busily trying to keep up with her daughter’s Brownie troop.
It is a pleasure to honor these five extraordinary women and to highlight their contributions to their businesses, their neighbors and their communities.

TRIBUTE TO HARRY AND DARLA WYENO, CITIZENS OF THE YEAR

HON. MARYLIN N. MUSGRAVE OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor Harry and Darla Wyeno who were recently honored with the Crowley County Chamber of Commerce Citizen of the Year Award. The Wyenos were described as making community service a labor of love. They have worked tirelessly for the benefit and promotion of Crowley County.

The Olney Springs couple was recognized for the volunteer work they do within the county, but especially for the work they do as members of the Crowley Heritage Society.

Although Darla is retired, she continues serving as the Town Clerk. Harry, who is also retired, still continues to work part time at the First National Bank of Ordway.

Whenever they are not working these jobs, they can be found volunteering. Darla is probably best known for her work as the President and Chief Procurer of Crowley County. She continues to gather, archive, and present the county’s history. Through her efforts, grants for the Crowley Heritage Center have been procured so much of the historical collection can be catalogued and protected for future generations to enjoy.

As President of the society Darla has made certain that all cultural and ethnic groups in the region are recognized in the local museum. The couple has also been very involved in the Chamber of Commerce for many years.

In addition, the Wyenos can be found volunteering for their church, where among other things, they have been faithful choir members for over 50 years at the United Methodist Church of Ordway.

Harry and Darla Wyeno are two people whose strengths of love, devotion and community service are wonderful examples for all of us to follow. As a Member of Congress I am proud to represent such fine citizens from Colorado’s Fourth Congressional District.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MRS. CORRETTA SCOTT KING

SPeECH OF

HON. MARTIN T. MEEHAN OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2006

Mr. MEEHAN. Mr. Speaker, I rise in honor of Coretta Scott King, wife of the late Dr. Martin Luther King Jr. and a guiding force of the modern civil rights movement in her own right.

Just seventeen days ago we honored the birthday of her husband and celebrated January 15th as a national holiday in his honor. It would be too easy to remember Mrs. King simply as the wife of Dr. King, one of this country’s great 20th century leaders. To do this would be a disservice to the memory of a champion of civil and equal rights in her own right.

Coretta Scott King began her long career of civic engagement as an undergraduate at Antioch College where she joined the local chapter of the National Association for the Advancement of Colored People.

After graduating from Antioch with a B.A. in music and education, Coretta Scott received a scholarship to study concert singing at the New England Conservatory of Music in my home state of Massachusetts. While there she met her future husband, Martin Luther King Jr. After receiving her degree from the Conservatory, she and Dr. King moved to Montgomery, Alabama. It was here that she and her husband became central figures in the Montgomery Bus Boycott and ultimately, the civil rights movement.

Following the success of the Montgomery Bus Boycott, Dr. and Mrs. King traveled tirelessly to ensure that the civil rights movement continued to grow. Mrs. King’s talent and education in the arts led her to conceive of and perform a series of Freedom Concerts which incorporated poetry, narration, and music to tell the story of the larger movement for equal rights. These concerts were vital in the fund-raising efforts for the Southern Christian Leadership Conference, the organization her husband headed.

Mrs. King was not deterred by her husband’s assassination, and if anything this tragic event strengthened her resolve in their shared struggle. In 1974, she established the Full Employment Action Council, a diverse coalition of more than 100 religious, labor, civil, and women’s rights groups dedicated to economic justice through equal opportunity.

In 1983, Coretta Scott King marked the 20th anniversary of the 1963 March on Washington with another march on the Capitol featuring hundreds of organizations calling the “Coalition of Conscience.” At the time it was the largest demonstration in Washington’s history.

Mrs. King led the movement to have her husband’s birthday, January 15th, established as a federal holiday and I am happy to say that Congress and the President acted on the merit of Coretta Scott King’s wish and established Martin Luther King Jr. Day as a national holiday in 1986.

While we are truly saddened at her passing, we are given pause to contemplate the impact she made during her lifetime on our lives and those of future generations. The freedoms all Americans enjoy today are due in no small part to her participation in the struggle for civil rights and equality.

Mr. Speaker, let us celebrate the achievements of this remarkable woman’s lifetime and work to ensure that her legacy endures long after her passing.

RELATING TO CONSIDERATION OF S. 1932, DEFICIT REDUCTION ACT OF 2005

SPeECH OF

HON. MARIO DIAZ-BALART OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2006

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, this week House Republicans heightened their commitment to sound fiscal policy and protecting the hard-earned income of the American taxpayer by passing the Deficit Reduction Act. This legislation finds almost $40 billion in savings through programmatic reforms to mandatory spending.

Along with my Republican colleagues, I supported this vital legislation because it ensures that Federal programs are more efficient for the beneficiaries that rely upon them, while safeguarding taxpayer dollars.

Unfortunately, the radical left wing could not even support this modest step towards making government more efficient. It seems that raising taxes and recklessly spending is the only fiscal policy they will support.

I applaud the Leadership of the House and Senate for bringing this legislation to the floor and greatly appreciate the President’s support of this critical mission of restoring fiscal responsibility and reducing the deficit.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MRS. CORRETTA SCOTT KING

SPeECH OF

HON. ADAM B. SCHIFF OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor the life of Ms. Coretta Scott King, a civil rights icon and the widow of Dr. Martin Luther King Jr., who died January 30, 2006, at the age of 78. Coretta Scott was born and raised on a farm near Marion, Alabama, where she knew little racial prejudice. However, living in town to attend high school, young Coretta learned firsthand of the harassment and violence directed at African-Americans. In 1942, at the age of 15, she was personally exposed to this hatred when the Scott home was set on fire on Thanksgiving night.

Church and music became Coretta Scott’s salvation, and in 1945, she left for Antioch College in Ohio where as one of three African-American students in her class, she began to study music and education. After graduation, Coretta ventured off to the New England Conservatory of Music in Boston to study concert singing. It was in Boston where Coretta met Martin Luther King Jr., who was then studying for his doctorate in theology. She later said, “Even at the time we were courting, Martin was deeply concerned—and indignant—with the plight of the Negro in the United States.”

The two married in 1953 and within the following decade became the parents to two sons and two daughters. In her new life as a married woman, Mrs. King gave up music to take on the role of a pastor’s wife at Dexter Avenue Baptist Church in Montgomery, Alabama, where Dr. King became the seminal figure in the civil rights movement. Mrs. King joined her husband in the struggle for civil rights, and occasionally substituted for him as a speaker. They traveled the world, observing severe poverty and all its consequences, and together they learned the art of nonviolent protest from the disciples of Mahatma Gandhi. Throughout their married life, Mrs. King was an equal partner in Dr. King’s tireless efforts to pursue justice, equality and peace, and was by his side in Oslo in 1964 when he received the Nobel Peace Prize.
On April 4, 1968, Mrs. King learned of her husband’s assassination through a telephone call from Reverend Jesse Jackson. While supporting a sanitation workers’ strike, Dr. King was shot on a Memphis motel balcony. In her autobiography, My Life with Martin Luther King Jr., Mrs. King recalled, “Because his task was not finished, I felt that I must rededicate myself to the completion of his work.” Indeed, she was compelled to fully immerse herself in the nonviolent civil rights movement that her husband led. Many wives become spokespersons for their husband’s causes, yet Coretta Scott King was unique; an ardent activist in the fight against injustice, Mrs. King brought a new energy to the civil rights movement. Giving hundreds of speeches and leading countless marches, Mrs. King overcame the challenges of widowhood and witnessed the successes of the civil rights movement and her husband’s unfulfilled dreams.

Neverending in her commitment to justice, Mrs. King was appointed by President Carter to the United Nations General Assembly, where she devoted herself to the development of Third World nations. She joined the fight to end apartheid and lobbied the U.S. Congress for sanctions against South Africa. Mrs. King also coordinated a 15-year campaign to keep her husband’s memory alive, culminating in 1983 with the passage of legislation introduced by Congressman John Conyers and Congresswoman Shirley Chisholm to commemorate her husband’s work with a federal holiday. Dr. and Mrs. King have been succeeded by their four children who have each followed in their parents’ footsteps, carrying with them strong hearts, minds and voices in pursuit of justice and peace.

Two years ago, I was invited to join a civil rights pilgrimage to Montgomery, Birmingham and Selma, Alabama. The journey was a remarkable experience. Led by Congressman John Lewis, a number of my colleagues in the House and the Senate and I visited the sites of many of the civil rights struggles, including the Kings’ own Dexter Avenue Baptist Church. We experienced these places with some of the activists that led the movement and relived the memories through their eyes. To hear them share their account of the very church we were sitting in being attacked by a mob of segregationists was extraordinary.

Those of us who were too young to remember well the civil rights movement continue to ask ourselves what would we have done? Would we have stood up, would we have challenged those in power, would we have questioned our leaders? As Dr. King so eloquently told us, “We are not finished, I felt that I must rededicate myself to the completion of his work.” And we ask ourselves what would we have done?

Mrs. King was a civil rights hero—she was active in the cause before she married the great Dr. Martin Luther King, and she helped shape the movement as his wife, and later, his widow. As my friend and colleague, the great champion of civil rights John Lewis, said yesterday, “She was more than the devoted wife of a great minister . . . she was a leader in her own right.”

With dignity and with strength, Mrs. King helped lead the civil rights movement for decades. For many, she was the face of the movement.

We are saddened by the loss of a great American and we are so thankful for her life. As Black History Month begins today, I hope that we will all use this month and beyond to honor Mrs. King, her husband and all of our civil rights heroes, and to live their message of peace and equality, everyday of our lives.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MRS. CORETTA SCOTT KING

SPEECH OF

HON. CAROLYN B. MALONEY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2006

Mrs. MALONEY. Mr. Speaker, Coretta Scott King was a radiant symbol of the best that the American South and this nation have to offer. She was beautiful, charming, graceful and dignified. She was a shining light who had the ability to brighten the dark places, to bring hope where there was hopelessness. I first met her in 1957 when I was a 17-year-old student in Nashville. She was traveling around America, especially in the South, telling the story of the Civil Rights Movement through song. I will never forget it. She looked like an opera star standing on stage.

Those who were old enough to remember her as one of the founding mothers of the new America, and the world urging respect for the dignity of humanity. She went all out to create a living memorial to her husband called the Martin Luther King Jr. Center for Non-Violent Social Change, one of the most visited landmarks in Atlanta. She met with President Reagan, who was not inclined to sign the legislation, but in the end he could not deny her. She used her prominence to mobilize the American people and built a bipartisan coalition in Congress to make her husband’s birthday a national holiday. Because of her efforts, generations yet unborn will learn his message of peace, and they will hear about his struggle for equal justice in America.

I loved Coretta Scott King. She was so warm, so genuine, so caring. For 20 years, she always sent me a card or a book on my birthday. I will cherish those mementos always.

I will remember Coretta Scott King as a dear friend. But the historians will remember her as one of the founding mothers of the new America, for through her noble acts, she helped liberate us all. This nation is a better nation, and we are a better people because she passed this way. However, she was not only a citizen of America, she was a citizen of the world, a world still yearning to build the Beloved Community, a world still yearning to make peace with itself. Above all, Coretta Scott King personified the beautiful, peaceful soul of a non-violent movement that still has the power to transform America, that still has the power to change the world.

HONORING THE LIFE OF ROSE NADER

HON. JOHN CONYERS, JR.
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2006

Mr. CONYERS. Mr. Speaker, I rise to honor the life of Rose Nader, who at age 99 died on Tuesday, January 24, 2006, of congestive heart failure.

Rose Nader was well known for her social work in her community. She was a tireless advocate for the rights of the elderly and worked tirelessly to improve the lives of those in need. Her dedication to social justice was an inspiration to many.

Mrs. Nader passed away on January 24, 2006, leaving behind a legacy of compassion and service. She will be deeply missed by her family, friends, and all those whose lives she touched.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MRS. CORETTA SCOTT KING

SPEECH OF

HON. JOHN LEWIS
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2006

Mr. LEWIS of Georgia. Mr. Speaker, Coretta Scott King was a radiant symbol of the best that the American South and this nation have to offer. She was beautiful, charming, graceful and dignified. She was a shining light who had the ability to brighten the dark places, to bring hope where there was hopelessness. I first met her in 1957 when I was a 17-year-old student in Nashville. She was traveling around America, especially in the South, telling the story of the Civil Rights Movement through song. I will never forget it. She looked like an opera star standing on stage.

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CONGRESSIONAL RECORD — Extensions of Remarks

February 7, 2006

heart failure. As you can see, Mrs. Nader indeed lived an honorable life.

Below is a reprint of her obituary that appeared in the Washington Post on January 26, 2006:

Mrs. Nader, who jousted with politicians and organized a small-town store that was the mother of consumer advocate Ralph Nader.

Mrs. Nader developed a certain civic renown in 1965 when she confronted Sen. Prescott Bush (R-Conn.), the father and grandfather of presidents. When Senator Bush visited Winsted, following a catastrophic flood, he was met by Mrs. Nader at a town gathering. When he offered his hand in an obligatory fashion, Mrs. Nader latched on and refused to let him until he promised to help a Connecticut proposals move forward. This was fulfilled.

Later, she advocated building a community center for children, forming a speakers club that would bring worldly lecturers to the town, and expanding and preserving a local hospital.

At home, she could be implacable, particularly about food. She emphasized homemade items over packaged goods whose contents she found bewildering. She prohibited hot dogs and later beer because of the presence of a growth-stimulating hormone linked to cancer.

She sweetened food with honey, not sugar, and pushed her children to eat chickpeas instead of candy bars on their way to school. When news of this was publicized during Ralph Nader’s rise to prominence, the Wall Street Journal editorial page likened his mother to a Puritan.

This characterization was laughed at by her children now, as they promoted the story involving her distrustful relationship with chocolate.

Mrs. Nader later said: “When the children convinced me that chocolate-frosted birthday cakes were what all the other children wanted, I frosted the cake, but after the candles were blown out and before they cut into the cake, I removed the frosting. Some people might say I was severe, but it became a family joke.”

She later wrote a cookbook.

Rose Bouziane was born in Zahle, Lebanon, on Feb. 7, 1906, to a sheep broker and a teacher. She taught high school French and Arabic before her marriage in 1925 to businessman Nathra Nader.

After immigrating to the United States, they settled in Connecticut, where his Main Street restaurant-general store in Winsted, in the northwestern corner of the state, became a redoubt for residents broaching actions or inactions at the town hall.

On occasion, Mrs. Nader used newspaper opinion pages to express her views. Writing in the New York Times in 1982, she denounced the use of “credibility phrases,” such as “frankly,” “to tell you the truth” and “in all honesty,” that sometimes preceded a political statement or sales pitch. She gave her “the pervasive feeling that distrust is so widespread that people need to use such language to be believed.”

In a subsequent piece, she embraced mass mailings from issue groups that are commonly dismissed as “junk mail.” She wrote that they often come from people “who care about their times.”


Beloved Ralph Nader of Washington, survivors include two daughters, Claire Nader of Washington and Winsted and Laura Nader of Berkeley, Calif.; a sister; three grand-children; and three great-grandchildren.

Ralph Nader once said his mother “took us out in the yard one day and asked us if we knew the price of eggs, of apples, of bananas. Then she asked us to put a price on clean air, the sunshine, the song of birds—and we were stunned.”

CONGRATULATIONS TO MOORE RUBLE YUDELL ARCHITECTS & PLANNERS

HON. SAM FARR
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Mr. FARR. Mr. Speaker, I rise today to congratulate Moore Ruble Yudell Architects & Planners, a Californian firm that has recently been awarded the 2006 Architecture Firm Award by the American Institute of Architects, the AIA. The AIA Firm Award is the highest honor bestowed by the AIA, recognizing firms that have continued to produce distinguished work for at least 10 years. The firm has contributed largely to institutional and cultural design and it is fitting that we mention them today, in particular the founding members Charles Moore, John Ruble and Buzz Yudell.

The firm was born from the founding members’ dedication to habitation and the intersection of people, place and culture. Moore Ruble Yudell’s early residential work evolved into a broad spectrum of private and public projects, projects that are rarely mentioned without a sense of wonderment. Their competition winning design for The American Embassy in Berlin, nearing completion, represents American democratic values abroad.

This progressive firm has been at the forefront of architectural practice retaining its commitment to the fundamental principles of humanism. The firm has maintained its commitment to the notion of social and environmental responsibility in their designs.

Moore Ruble Yudell has completed projects of social and cultural importance and it is fitting that they have been awarded the AIA Architecture Firm Award, recognizing their illustrious body of work from the past 28 years. Together with the AIA and members of the United States Congress, I welcome you to our Nation’s capital and in recognizing the importance of good planning, join in congratulating Moore Ruble Yudell for their achievement and thank them for their contributions to American culture.

REMEMBERING CORETTA SCOTT KING

HON. TAMMY BALDWIN
OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 7, 2006

Ms. BALDWIN. Mr. Speaker, I rise today in great sadness as our Nation mourns the passing of Coretta Scott King, the First Lady of the Civil Rights Movement.

Coretta Scott was preparing for a career in music when she met her future husband, the Reverend Martin Luther King, Jr., while studying concert vocals at the New England Conservatory of Music. Coretta Scott became Martin Luther King, Jr.’s partner in life and in the movement.

After the assassination of her husband in Memphis, on April 4, 1968, Coretta Scott King never lost sight of the dream that Dr. King had so powerfully articulated. She dedicated her life to seeing that her husband’s work was continued and his legacy supported—all while raising four children. She established the King Center, a living memorial in Atlanta, and successfully worked to establish a Federal holiday in King’s honor.

I have always admired Coretta Scott King’s remarkable strength and grace. I am inspired by the depth of her commitment to equality and peace. Coretta Scott King did not waiver in her quest for justice even in the face of violence. When the Kings’ Montgomery home was bombed. Because of her strength and tenacity, she leaves this world a better place.

We have lost one of our great leaders. The thought of a joyous reunion of partners separated far too soon, softens our sadness.

This legislation includes a compromise on child support for families that provides more support directly to families, especially those who have left welfare. It saves $1.6 billion by ending state “double dipping” on Federal child support incentive funds. Additionally, this legislation provides $300 million for court improvements and services to assist families involved with foster care and adoption programs. Technical changes to the Supplemental Security Income program save an additional $725 million.

Importantly, this conference report reauthorizes the nation’s welfare reform law, which was originally signed into law in 1996, expired in 2002, and has been temporarily extended a dozen times. Welfare reform has been a success in reducing poverty, ending dependency, and promoting work. Child poverty has fallen sharply since 1996 with 1.4 million children being lifted out of poverty. Meanwhile, work among welfare recipients has more than doubled as welfare caseloads have fallen by more than 9 million.

Despite these successes, we still have work to do. Currently, 58 percent of welfare recipients are not working or engaged in training programs to acquire necessary skills. Two million families continue to be dependent on welfare. In addition, far too many families break up or never form; these broken homes leave millions of children and parents at a higher risk for future welfare dependency. The reforms contained in this conference report will continue and strengthen the reforms enacted in 1996. While this legislation does not include all of the provisions.
passed by the House in 2002, 2003, and 2005, it includes the essential features of those proposals. With passage of this legislation, we will help even more low-income families and parents support themselves by promoting more work and stronger families. Child care funding will be increased by $1 billion over the next 5 years and States will continue to receive Record Federal welfare funds, despite huge caseload declines since 1996.

To complement these reforms, the conference report also provides $500 million for the promotion of healthy marriages and $250 million for programs to encourage responsible fatherhood. Independent studies show one of the most effective ways to reduce child poverty and improve child well-being is by promoting healthy, stable marriages. These programs are an important part of preventing future welfare dependence. Despite the often heroic efforts of single parents to work and care for them, children raised by single parents are five times more likely to live in poverty, five times more likely to depend on welfare, two to three times more likely to show behavioral problems, and twice as likely to commit crimes or go to jail. These parents and families need more help to overcome such obstacles, and this legislation provides funding for services to help parents lead fuller lives and better support their families without needing welfare.

I urge my colleagues to support this legislation, which builds on the success of the 1996 welfare reforms and offers brighter prospects for the future of millions of low-income families.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S733–S780

Measures Introduced: Seven bills and four resolutions were introduced, as follows: S. 2248–2254, S.J. Res. 28, and S. Res. 367–369.

Measures Passed:

Honoring the National Guard: Committee on Armed Services was discharged from further consideration of 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, and the resolution was then agreed to.

Day of Hearts, Congenital Heart Defect Day: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of 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, and the resolution was then agreed to.

Congratulating the Pittsburgh Steelers: Senate agreed to S. Res. 367, congratulating the Pittsburgh Steelers for their victory in Super Bowl XL.

Congratulating the American Dental Association: Senate agreed to 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.

Fairness in Asbestos Injury Resolution Act: Senate continued consideration of the motion to proceed to consideration of S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure.

A unanimous-consent agreement was reached providing that at approximately 10:45 a.m., on Wednesday, February 8, 2006, Senate begin consideration of the bill for debate only.

During consideration of this measure today, Senate also took the following action:

By 98 yeas to 1 nay (Vote No. 12), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill.

Appointments:

Washington’s Farewell Address: The Chair, on behalf of the Vice President, pursuant to the order of the Senate on January 24, 1901, as modified by the order of February 2, 2006, appointed Senator Salazar to read Washington’s Farewell Address on Friday, February 17, 2006.

Messages From the House:

Enrolled Bills Presented:

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Notices of Hearings/Meetings:

Authorities for Committees to Meet:

Record Votes: One record vote was taken today. (Total—12)

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:20 p.m., until 9:45 a.m., on Wednesday, February 8, 2006. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S780.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded a hearing to examine the defense authorization request
for fiscal year 2007 and the future years defense program, after receiving testimony from Donald H. Rumsfeld, Secretary of Defense; General Peter Pace, USMC, Chairman, Joint Chiefs of Staff; and General Peter J. Schoomaker, USA, Chief of Staff, United States Army.

IRAQ CONTRACTING ISSUES

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine contracting issues in Iraq in review of the defense authorization request for fiscal year 2007 and the future years defense program, after receiving testimony from Claude M. Bolton, Jr., Assistant Secretary of the Army for Acquisition, Logistics, and Technology; Major General Ronald L. Johnson, USA, Deputy Chief of Engineers and Deputy Commanding General, U.S. Army Corps of Engineers; and Stuart W. Bowen, Jr., Special Inspector General for Iraq Reconstruction.

2007 BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President’s fiscal year 2007 budget proposal, after receiving testimony from Joshua B. Bolten, Director, Office of Management and Budget.

INTERNET NEUTRALITY

Committee on Commerce, Science, and Transportation: Committee held a hearing to examine proposals for government regulation of the Internet, focusing on concentrations in broadband access, and efforts to protect network neutrality, receiving testimony from Vinton G. Cerf, Google, Herndon, Virginia; Walter B. McCormick, Jr., United States Telecom Association, Kyle McSlarrow, National Cable and Telecommunications Association, Earl W. Comstock, COMTEL, Kyle Dixon, Progress and Freedom Foundation, Gary R. Bachula, Internet2, and J. Gregory Sidak, Georgetown University Law Center, all of Washington, D.C.; Jeffrey A. Citron, Vonage Holdings Corporation, Edison, New Jersey; and Lawrence Lessig, Stanford Law School, Stanford, California.

Hearing recessed subject to the call.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Robert C. Cresanti, of Texas, to be Under Secretary of Commerce for Technology, who was introduced by Senator Bennett, and Tyler D. Duvall, of Virginia, to be an Assistant Secretary, Nicole R. Nason, of Virginia, to be Administrator of the National Highway Traffic Safety Administration, and David C. Sanborn, of Virginia, to be Administrator of the Maritime Administration, who were introduced by Senator Allen, Thomas J. Barrett, of Alaska, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, who was introduced by Senator Murkowski, and Roger Shane Karr, of the District of Columbia, to be an Assistant Secretary, all of the Department of Transportation, after the nominees testified and answered questions in their own behalf.

2007 BUDGET

Committee on Finance: Committee held a hearing to examine the President’s proposed budget request for fiscal year 2007, receiving testimony from John W. Snow, Secretary of the Treasury.

Hearings recessed subject to call.

NATO

Committee on Foreign Relations: Committee concluded a hearing to examine common defense to common security relating to the North Atlantic Treaty Organization (NATO), focusing on the evolution of the NATO alliance and its operations in Afghanistan, and other regions outside the alliance’s borders, after receiving testimony from General James L. Jones, Jr., USMC, Supreme Allied Commander Europe (SACEUR) Supreme Headquarters, Allied Powers Mons, Belgium.

CONFERENCE SPENDING

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security held a hearing to examine Federal agencies and conference spending, focusing on the nature, extent, and benefits of their participation in events for mission-related purposes, and accountability for the use of Federal funds, receiving testimony from Charles Johnson, Assistant Secretary of Health and Human Services for Budget, Technology and Finance; Sid Kaplan, Acting Chief Financial Officer, Department of State; James M. Martin, Acting Deputy Chief Financial Officer, Department of Housing and Urban Development; Michael W.S. Ryan, Deputy Chief Financial Officer, Environmental Protection Agency; Scott H. Evertz, former Director, White House Office of National AIDS Policy.

Hearing recessed subject to the call.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of 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, who was introduced by Senator Rockefeller and Representative...
Capito, Leo Maury Gordon, of New Jersey, to be a Judge of the United States Court of International Trade, and Aida M. Delgado-Colon, to be United States District Judge for the District of Puerto Rico, who was introduced by Puerto Rico Resident Commissioner Luis G. Fortuño, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 6 public bills, H.R. 4701–4706; and 1 resolution, H. Res. 670, were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed on Friday, February 3rd as follows:  
H.R. 1631, to provide for the financing of high-speed rail infrastructure, with an amendment (H. Rept. 109–314, Pt. 2); and  
H.R. 3699, to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, with amendments (H. Rept. 109–316, Pt. 3).

Speaker: Read a letter from the Speaker wherein he appointed Representative Campbell to act as Speaker pro tempore for today.

Committee Resignation: Read a letter from Representative Boehner wherein he resigned from the Committees on Agriculture and Education and the Workforce.

Presidential Message: Read a message from the President wherein he transmitted to Congress the Budget of the United States Government for Fiscal Year 2007—referred to the Committee on Appropriations and ordered printed (H. Doc. 109–79).

Committee Resignation: Read a letter from Representative Barrett wherein he resigned from the Committee on Energy and Commerce, effective today, February 7, 2006.

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow, Wednesday, February 8th.

Senate Message: Messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H157–58.

Senate Referrals: S. 1219 was referred to the Committee on Resources and S. Con. Res. 79 was referred to the Committee on International Relations.

Quorum Calls—Votes: There were no votes or quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 2:11 p.m.

Committee Meetings

BORDER INCURSIONS

Committee on Homeland Security: Subcommittee on Investigations held a hearing entitled “Armed and Dangerous: Confronting the Problem of Border Incursions.” Testimony was heard from Representative Reyes; Elizabeth Whitaker, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State; David Aguilar, Chief, Border Patrol, Department of Homeland Security; and public witnesses.

BURMA HUMAN RIGHTS

Committee on International Relations: Subcommittee on Africa, Global Humans Rights and International Operations and the Subcommittee on Asia and the Pacific held a joint hearing on Human Rights in Burma: Where Are We Now and What Do We Do Next? Testimony was heard from the following officials of the Department of State: Christopher R. Hill, Assistant Secretary, Bureau of East Asian and Pacific Affairs; and Barry F. Lowenkron, Assistant Secretary, Bureau of Democracy, Human Rights and Labor; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D6)  
H.R. 4659, to amend the USA PATRIOT Act to extend the sunset of certain provisions of such Act. Signed on February 3, 2006. (Public Law 109–170)
COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 8, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Product Safety, and Insurance, to hold hearings to examine protecting consumers' phone records, 2:30 p.m., SD–562.

Committee on Environment and Public Works: to hold hearings to examine pending nominations, 9:30 a.m., SD–628.

Committee on Finance: to hold hearings to examine implementation of the new Medicare drug benefit, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine Iraq stabilization and reconstruction, 9:30 a.m., SH–216.

Full Committee, to hold hearings to examine the nominations of Janice L. Jacobs, of Virginia, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau, and Jeanine E. Jackson, of Wyoming, to be Ambassador to Burkina Faso, 4:30 p.m., SD–419.

Committee on Indian Affairs: to hold oversight hearings to examine Indian tribes and the Federal Election Campaign Act, 9:30 a.m., SD–106.

Committee on Rules and Administration: to hold hearings to examine procedures to bring greater transparency to the legislative process, 2 p.m., SR–301.

Select Committee on Intelligence: to receive a closed briefing on intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, hearing on the Fiscal Year 2007 National Defense Authorization budget request from the Department of Defense, 10 a.m., 2118 Rayburn.

Committee on the Budget, hearing on the President’s Budget for Fiscal Year 2007, 11 a.m., 210 Cannon.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing on H.R. 3186, Build Houses for Our Military’s Enlisted Servicemembers Act, 11 a.m., 2128 Rayburn.


Committee on International Relations, to mark up the following measures: H. Res. 593, Directing the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, and the Attorney General, and requesting the President, to provide certain information to the House of Representatives relating to extraordinary rendition of certain foreign persons; H. Res. 624, Requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to United States policies under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Geneva Conventions; and H. Res. 642, Requesting the President and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the Secretary of State’s trip to Europe in December 2005, 3 p.m., 2172 Rayburn.

Subcommittee on Africa, Global Human Rights and International Operations, hearing on The Impact of Liberia’s Election on West Africa, 12 p.m., 2200 Rayburn.


Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing entitled “The Internet Sales Tax: Headaches Ahead for Small Business?” 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing entitled “U.S.-E.U. Open Skies Agreement: with a focus on DOT’s NPRM regarding ‘actual control’ of U.S. air carriers.” 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, oversight hearing on the VA’s Budget Request for Fiscal Year 2007, 10:30 a.m., 334 Cannon.

Committee on Ways and Means, hearings on the President's Fiscal Year 2007 Budget proposals for the Department of Health and Human Services, with Michael Leavitt, Secretary of Health and Human Services 10:30 a.m., and on OMB, with Joshua Bolten, Director, OMB, 4:30 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Fiscal Year 2007 Intelligence Budget, 9:30 a.m., H–405 Capitol.

Joint Meetings

Joint Meetings: Commission on Security and Cooperation in Europe: to hold hearings to examine the current situation and future prospects for human rights, civil society, and democratic governance in Russia, 3 p.m., SD–226.
Next Meeting of the SENATE
9:45 a.m., Wednesday, February 8

Senate Chamber
Program for Wednesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will begin consideration of S. 852, Fairness in Asbestos Injury Resolution Act for debate only.
(Senate will recess from 12:30 p.m. until 2:15 p.m. for the Democratic party conference.)

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Wednesday, February 8

House Chamber
Program for Tuesday: Consideration of suspensions (1) H.R. 4054—Dewey F. Bartlett Post Office Designation Act; (2) H.R. 4456—Hattie Caraway Station Post Office Designation Act; (3) H. Res. 389—Supporting the goals and ideals of The Year of the Museum; (4) H. Con. Res. 331—Honoring the sacrifice and courage of the 12 coal miners killed and the stamina and courage of the one who survived the mine disaster in Sago, West Virginia, and the sacrifice and courage of the two coal miners killed in the Aracoma Alma mine disaster, and recognizing the rescue crews for their outstanding efforts in the aftermath of the tragedies; (5) H. Res. 660—Supporting the goals and ideals of National Mentoring Month; and (6) H. Res. 657—Honoring the contributions of Catholic schools. Motion to go to Conference on H.R. 4297—Tax Relief Extension Reconciliation Act of 2005.

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