United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, WEDNESDAY, FEBRUARY 8, 2006 No. 14

House of Representatives

The House met at 2 p.m.

The Reverend John Appel, Senior Pastor, Frederick Seventh-day Adventist Church, Frederick, Maryland, offered the following prayer:

By Your grace we are citizens of this great Nation. Forgive us when we fail to do our part to keep this democracy healthy. Guide us as we work for its well-being. Guard our lips from inflammatory rhetoric which produces much heat, but very little light. Cleanse us from bigotry and self-centeredness in the pursuit of our own narrow interests in the public arena. Your word teaches that the long-term security of all depends on the strength of each. Strengthen, then, our resolve that we may exercise our precious votes for what is right, not just for what is personally advantageous.

Show us how to carry out Your will in the public arena, that we may respectfully and intelligently develop opportunities of liberty and justice for all. Purify our hearts and minds, that we may learn to renounce exploitation and prejudice in all its forms, and so contribute to the well-being of the community in which we live. For we pray this in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina 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.

INTRODUCING PASTOR JOHN APPEL

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

Mr. BARTLETT of Maryland. Mr. Speaker, Pastor Appel's ministry extends beyond his congregation to embrace the entire Frederick community, as well as missions abroad. He is currently serving as the president of the Ministerial Association of Frederick County, Maryland. This organization is composed of all of the ministers in the county. It meets monthly to engage in fellowship, dialogue, and to promote interfaith cooperation and activities to meet the spiritual needs of Frederick County residents.

Pastor Appel is also an active supporter of the Adventist Church's Hope for Humanity projects in southern Africa in response to the HIV/AIDS epidemic. Pastor Appel explained: ''Hope for Humanity is coming to this program saying, 'Here are some challenges, here are some needs. We are a world church. We just can't stay focused congregationally. We've got to start thinking about our brothers and sisters around the world who need our help.' ''

Mr. Speaker, today's prayer continues a tradition that began when Benjamin Franklin spoke during a moment of crisis at the Constitutional Convention, and these are his words: ''In the days of our contest with Great Britain when we were sensible of danger, we had daily prayer in this room for divine protection. Our prayers, sir, were heard and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of superintending providence in our favor. To that kind providence we owe this happy opportunity to establish our Nation. And have we now forgotten that powerful friend? Do we imagine that we no longer need His assistance? I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men.

''If a sparrow cannot fall to the ground without his notice, is it probable that a new Nation can rise without his aid? We have been assured, sir, in the sacred writings that except the Lord build the house, they labor in vain that build it. I therefore beg leave to move that henceforth prayers imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning before we proceed to any business.''

Mr. Speaker, I am really honored that my pastor, Pastor John Appel, senior pastor of the Frederick Seventh-day Adventist Church and currently serving as the president of the Ministerial Association of Frederick County, is here today to continue this precedent followed by both the House of Representatives and the Senate.

2006 WILL BUILD ON LEGISLATIVE SUCCESSES OF 2005

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, in the past several weeks we have all been back at home spending time in our districts talking with constituents, and I cannot even begin to tell you how energizing that has been. We have talked about tax policy. We have talked about the war or terrorism. We have talked about the ways we can reduce government spending. There are a lot of great ideas out there. And we have discussed the border security issue.

Last year, we enacted several spending cuts. Great work for us. Our men

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and women in uniform eliminated key al Qaeda figures, and we eliminated or cut some duplicative and wasteful government programs. We have a lot more to do. And we also passed legislation to work on our illegal immigration problem.

Mr. Speaker, this is going to be a great year. We are going to build on the successes of 2005, and we are going to act on the issues that matter to our constituents. Let's get to work.

MEDICARE PART D AND THE DONUT HOLE

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

Mr. DEFAZIO. Well, the gentlewoman was energized in talking to her constituents and encouraged by it, but I guess she didn't talk to any seniors about Medicare part D.

I have the unfortunate privilege of probably representing the first victim in the United States of America of the so-called donut hole. You don't know what the donut hole is? They wanted to pretend that you could preclude Medicare from negotiating lower drug prices, subsidize the pharmaceutical and insurance industries, and do all this for $400 billion. Of course, it turns out it will be more like $800 billion; but in order to get there, they had to create this weird construct. After you pay your payments, your premiums, and all that, you get to a certain point, around $2,000 or so, where you have to pay everything for the next $2,850.

This constituent doesn't have $2,850. The pharmaceutical companies eliminated the compassionate drug programs because they said, hey, these people can get this great Federal benefit. This means, in all likelihood, if we can't get this woman some help, she will die. Medicare part D. I guess she didn't talk to her constituents about that.

RADICAL ZEALOT

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

Mr. POE. Mr. Speaker, the Iranian president is up to his old tricks again, recently claiming that God has put him on a divine mission to have nuclear weapons. This bizarre banter comes from the same sinister man who called for the destruction and devastation of Israel. This is more than disturbing. Iran's commander in chief is obviously a saber-rattling zealot who puts world security in turmoil.

Mr. Speaker, the President of Iran is defiant and determined to lead his country in a dangerous direction. He supports organizations that kill Americans, like the Palestinian Islamic Jihad, Hezbollah, and encourages the use of violence against Israel. Hopefully, the people of Iran see the destructive behavior of their president and want to bring about a free and stable Iran that wants to be a part of the community of nations.

A nuclear-armed Iran is a dangerous and deadly threat to the Middle East and all of the Free World. We must keep America as well as the rest of the world safe from this radical reactionary outlaw with his ridiculous ambitions. This is a matter of world security.

That's just the way it is.

FISCAL YEAR 2007 BUDGET

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise because I believe working-class Americans deserve a Federal budget which is compassionate, decent, and provides hope to the American public.

President Bush's budget for fiscal year 2007 fails on all counts and provides insufficient funding for one of our Nation's greatest investments: its health.

Despite the confusing and poorly implemented new Medicare prescription drug benefit program, President Bush's budget cuts Medicare by $35 billion in the next 5 years, it cuts funding for public health programs by $126 million, and puts more families at risk of food and security by cutting more than $706 million in assistance.

Even with the growing problem of health care disparities and lack of insurance for communities of color, the budget slashes the Office of Minority Health Programs by 20 percent.

To our children, to those battling high health care costs, and to the uninsured, this budget, in my opinion, is not compassionate and it doesn't provide the American public with hope.

Americans deserve better. We must not inflict this pain on the most vulnerable populations in our country.

WAR ON TERROR AND BUDGET REQUEST

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, as my stepson, Douglas Lehtinen, and his fiancee, Lindsay Nelson, wrap up their mission in Iraq, where they have been serving as Marine officers flying F–18s, I want to thank all of the brave men and women who wear our Nation's uniform for their commitment and the service that they are performing. I am pleased that the President's budget submitted to Congress this week provides more funding for the protection of our troops overseas.

The budget also provides the necessary funds to win the war on terror and enables our troops in Iraq and Afghanistan to defeat the enemy and protect our liberties. The budget calls for funding that will help our military transform itself to face current and emerging challenges.

Whether conventional military threats to our security interests or unconventional ones from terrorists and their supporters, we must be prepared for what tomorrow brings. Thank you, Mr. President, for supporting our troops.

FISCAL YEAR 2007 BUDGET

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

Mr. DAVIS of Illinois. Mr. Speaker, I have always been told that budgets are a way of reflecting priorities. And if that is the case, then the budget documents that I have seen are indeed frightening.

The proposed budget I have seen will serve to widen the gap between the rich and the poor, cut vital health services for people who need them the most, and increase the cost of higher education.

I had hoped that the budget this year was going to be something different, but I am afraid it is the same old soup warmed over, the same old lemon with a new twist, and same old trickle-down theory of economics. I hope that we will tear it apart and send it back.

SALUTING THE SOUTH CAROLINA LEUKEMIA AND LYMPHOMA SOCIETY

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

Mr. WILSON of South Carolina. Mr. Speaker, in 2006, over 1,850 South Carolinians will be diagnosed with leukemia, lymphoma, Hodgkin's disease, or melanoma. Unfortunately, this devastating statistic is reflected in communities throughout our Nation.

While families struggle to cope with these serious diseases, the South Carolina Leukemia and Lymphoma Society is fighting to find cures and improve the quality of life for patients and their families. By focusing their resources on research, patient services, professional education and advocacy, a dedicated group of volunteers and staff are making tremendous progress every day.

Today, I am honored to recognize the South Carolina Leukemia and Lymphoma Society for its service. As blood cancers continue to threaten the lives of our family members and friends, I would like to encourage my colleagues and all Americans to join in this important fight.

In conclusion, God bless our troops, and we will never forget September 11.

PRESIDENT'S BUDGET CUTS FEDERAL FUNDING FOR METHAMPHETAMINE PROGRAMS

(Mr. BAIRD asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BAIRD. Mr. Speaker, I rise today on behalf of local communities in my State and throughout this country that are fighting a terrible battle against methamphetamine, its production and use. And I rise to express grave concern about the impact of our President's budget proposal on that fight.

Let me share with you some troubling figures. The President of the United States has proposed to cut COPS funding by $376 million, he has proposed to cut the Meth Hot Spots program by $23.5 million, the Safe and Drug-Free Schools program by $353 million, and he has proposed to completely eliminate Byrne grants.

Now, I can tell you that when I go back home and I talk to my sheriffs and police officers and treatment specialists, they tell me meth is a catastrophe in our communities and we must fight it. Regrettably, this President's budget cuts the funds we need to prevail in that fight.

We need to restore those funds, and we need to emphasize to this administration that we have terrorists operating right here at home in our communities, and methamphetamine is their weapon of choice.

HONORING CONTRIBUTIONS OF CATHOLIC SCHOOLS

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. Speaker, I rise today in strong support of H. Res. 657, honoring the contributions of our country's nearly 8,000 Catholic schools. Catholic schools provide an invaluable service to our country and offer excellent academic instruction to their students.

Take, for example, St. Leo the Great Catholic School in Winston-Salem, North Carolina. St. Leo was recently named a No Child Left Behind nationally recognized blue ribbon school for its academic superiority. It was one of just 10 North Carolina schools to receive this award and was the only school in the entire State to achieve this recognition.

Not only do Catholic schools provide excellent academic preparation, but they also mold students into upstanding citizens who are strongly dedicated to their faith, values, families, and communities.

For this, I am proud to join many of my colleagues in congratulating our Nation's Catholic schools, students, parents, and faculty for the key role they play in promoting a brighter and stronger future for America.

□ 1415

FISCAL YEAR 2007 BUDGET

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

Mr. MORAN of Virginia. Mr. Speaker, the budget the President unveiled this week takes from the poor, gives to the rich, and leaves all of us in a worse fiscal mess.

At a time of war, when our soldiers are risking their lives halfway across the world, where is the call for shared sacrifice? Do millionaires deserve $50 billion in tax cuts, paid for by reducing services for the lowest-income families? Can we afford to extend tax breaks for the wealthiest 1 percent when our fiscal obligations include spending over $1 billion a week in Iraq, the rebuilding of the gulf coast, and protecting the homeland from terrorist threats?

Instead of responsibly budgeting for these costs, we are in a fiscal free-fall, giving breaks to those who need it the least while slapping away the hands of those who need help the most.

This administration is the most fiscally irresponsible in U.S. history, responsible for the four largest annual deficits ever. We have gone from a projected 10-year surplus of $5.6 trillion in 2001 to a projected deficit of $3.3 trillion, a reversal of $9 trillion.

Mr. Speaker, this budget lacks compassion, is fiscally irresponsible, and does not reflect the priorities of this great Nation.

THE PRESIDENT'S FISCAL YEAR 2007 BUDGET

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

Mr. WELDON of Florida. Mr. Speaker, I rise to discuss the President's budget. As a physician who used to take care of a lot of Medicare patients prior to my election in 1994, one of the first things I look at in the budget are the Medicare numbers, after I look at the NASA numbers and a couple of other things.

Members of this body need to know, and the American public, that the President's budget calls for a 15 percent increase in Medicare spending. You may be surprised to hear that because the press is talking about Medicare cuts. Indeed, Democrats are talking about Medicare cuts. You even heard that on the floor today.

It is projected to go from $396 billion to $457 billion in 2007, and by 2011 to grow to $587 billion. Where is the cut? There is no cut. The President is trying to slow the growth of this entitlement program, which is unsustainable in the future unless we can enact significant reforms. God bless us if we are unable to do that.

This is, in my opinion, the right thing to do for the President, and he needs to be commended. And for those who mischaracterize this as a cut, they need to start telling the truth.

THE BUDGET

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, red ink, record budget deficits mount every year. On top of it, America has also been racking up record trade deficits this year, more imports than exports every single day. These twin deficits are stifling real economic growth for our country as we sink deeper and deeper into debt.

Every year, with all the unfair trade agreements that have been signed, the red ink just keeps getting deeper. We are hemorrhaging America's good jobs, with fewer people working at good jobs to create real wealth. It is no surprise we have fewer resources to pay off our debts.

At the same time, the United States becomes more and more beholding to foreign interests that are financing these deficits. We are not only giving them our money, we are giving them our future and paying them hundreds of billions a year in interest. Is it any surprise that retailing of foreign goods is now America's biggest business?

Federal Reserve's former chairman Alan Greenspan warned that this relentless deficit growth cannot persist. How long will it be before we put a foreclosure sign on our U.S. Department of the Treasury? What an embarrassment for a Nation founded in independence.

THE BUDGET

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

Mr. BARRETT of South Carolina. Mr. Speaker, I applaud the President for submitting a budget proposal that will meet America's needs while maintaining fiscal accountability and responsibility. He understands that if you are going to ask everybody to tighten up the purse strings, you have to be at the front of the line.

The American people don't expect us to agree on everything, but as Members of this great body they expect us to stop complaining about the issues before us and start working together to find solutions for our children and our grandchildren.

I hope someday I am down here debating the Government Waste Reduction Act, which would slow the growth of government by 5 percent and reduce the deficit by an estimated $510 billion over 5 years. But until then, I will look forward to working with my colleagues on the Budget Committee, Republicans and Democrats alike, as we move through this process.

In submitting this budget, President Bush has set the tone and given Congress a great starting point. It is now up to us to act.

TRIBUTE TO FORMER CONGRESSWOMAN VIRGINIA SMITH

(Mr. OSBORNE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. OSBORNE. Mr. Speaker, this last month, former Congresswoman Virginia Smith died in Sun City, Arizona, at the age of 94. She served the Third District of Nebraska for 16 years through eight terms. It is a very large district. It covers 80 percent of the State of Nebraska, with 69 counties and 64,000 square miles. She and her husband, Haven, drove county to county, city to city, weekend after weekend; and there was no one who was more faithful in covering that area and being loyal and faithful to her constituents than Virginia Smith.

She served on the Appropriations Committee for several years and was responsible for an animal research center in Clay Center, Nebraska, which really is of worldwide renown. She was tenacious, she was aggressive, and she was very strong in constituent services. Nebraska was very well served by Virginia Smith, and she will be greatly missed.

THE PRESIDENT'S BUDGET

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

Mr. PRICE of Georgia. Mr. Speaker, last week, in this Chamber, the President shared with the American people a reasoned and measured agenda for the future, an agenda that will lead us to meet the challenges of today and seize the opportunity of tomorrow.

The issues that the President addressed are not just his concerns; they are not just Republican concerns. They are the concerns of the American people. We must provide for the reform of our health care system that fixes the problems, not bandages them up, immigration reform that respects our sovereignty, and embrace a policy that will result in energy independence.

The American people want leadership. They want direction, and they want to know that their government is working for them, protecting them and providing a framework that preserves the ideal of the pursuit of happiness for all.

We in Congress have an obligation to our citizens and to the great history of our Nation to provide leadership that is equal to the task at hand. Our Nation, its security, its vitality, its health care and its livelihood depend on it. I urge all of my colleagues to embrace this responsibility together.

ADULT STEM CELL ADVANCES

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

Mr. PITTS. Mr. Speaker, there has been a lot of news coming from the field of stem cell research lately, but it is all just a new variation on an old theme: Ethical or ''adult stem cell'' research is working. Research that kills embryos, embryonic stem cell research, is not. While embryonic stem cell research's leading scientist has been disgraced for his research fabrications, adult stem cell researchers are announcing new breakthroughs.

One research group recently announced the development of a machine capable of taking adult stem cells from fat tissue and adapting them to treat other tissue damaged by heart disease and heart attacks. In a different study released recently, researchers have been able to turn adult muscle stem cells into cartilage, and in animal studies this regenerated cartilage has been used to treat damage caused by arthritis.

These studies add to the ever-growing list of treatments and cures that come from noncontroversial adult stem cells. Meanwhile, stem cell research involving the destruction of human embryos continues to be plagued by tumors, rejection, and research scandals. As we address this issue this year, we would do well to keep this in mind, what is working and what is not.

ADOPT HEALTH IT ACT

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

Mr. GINGREY. Mr. Speaker, I rise today to praise President Bush for his State of the Union remarks on health information technology, which he rightly noted will help control costs and reduce dangerous medical errors.

I would also like to encourage my colleagues to support health IT legislation that I have introduced, H.R. 4641, the ADOPT HIT Act.

Consider this: I can go to Antarctica and get cash from an ATM without a glitch, but should I fall ill during my travels, a hospital there could not access my medical records or know what medications I am on.

Right now the health care sector is woefully behind in using modern technology to reduce errors and save money, and that is why I introduced H.R. 4641. It provides increased tax breaks for physicians who invest in new health information technology.

As a physician, I know many doctors want to utilize new technology, but they find the cost prohibitive. Doctors will be more likely to adopt this technology if our Tax Code helps offset the substantial initial cost. By adopting the ADOPT HIT Act, by passing that act, we can move one step closer to a health care system that saves time, money and, most importantly, lives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. GINGREY) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2006.

Hon. J. DENNIS HASTERT,
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 8, 2006, at 9:30 a.m.:

That the Senate passed without amendment H.R. 4636.

That the Senate agreed to S. Con. Res. 69

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Tuesday, February 7, 2006:

S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2006.

DEAR SPEAKER HASTERT: I respectfully resign my seat on the House Budget Committee effective immediately. Thank you very much for giving me the opportunity to serve on this important committee.

Sincerely,

ILEANA ROS-LEHTINEN,
Member of Congress.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

□ 1430

CONGRATULATING THE PITTSBURGH STEELERS FOR WINNING SUPER BOWL XL

Ms. FOXX. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 670) congratulating the National Football League champion Pittsburgh Steelers for winning Super Bowl XL and completing one of the

greatest postseason runs in professional sports history.

The Clerk read as follows:

H. RES. 670

Whereas the Pittsburgh Steelers won Super Bowl XL by defeating the Seattle Seahawks 21–10 in Detroit, Michigan, on February 5, 2006;

Whereas, with this victory, the Pittsburgh Steelers franchise has tied the San Francisco 49ers and the Dallas Cowboys for the most Super Bowl championships in National Football League history with 5 each;

Whereas the Steelers became the first 6th-seed in the playoffs to not only reach the Super Bowl, but to win the Super Bowl;

Whereas the Steelers closed their season by winning 8 consecutive games, including the Super Bowl, and became the first team to win 3 playoff games and the Super Bowl away from their home field;

Whereas the Steelers' path to the championship required defeating the top 3 teams in the American Football Conference—the Cincinnati Bengals, the Indianapolis Colts and the Denver Broncos—at their respective home fields;

Whereas finally, in the Super Bowl, the Steelers faced and overcame the National Football Conference champion Seahawks and the year's Most Valuable Player in the National Football League, Shaun Alexander;

Whereas team owner Dan Rooney and team president Art Rooney II, the son and grandson, respectively, of Pittsburgh Steelers' founder Art Rooney, have remarkable loyalty to Steelers fans and the City of Pittsburgh, and have assembled a tremendous team of coaches, players, and staff that made achieving the championship victory possible;

Whereas head coach Bill Cowher won his first Super Bowl in 14 seasons of leading the Pittsburgh Steelers, and brought the Vince Lombardi Trophy back to his hometown of Pittsburgh;

Whereas defensive coordinator Dick LeBeau orchestrated a defensive unit including stars Troy Polamalu, Deshea Townsend, Chris Hope, Ike Taylor, Joey Porter, Larry Foote, Clark Haggans, James Farrior, Kimo von Oelhoffen, Aaron Smith, and Casey Hampton, that personified the blue-collar work ethic of Pittsburghers;

Whereas offensive coordinator Ken Whisenhunt's creativity and attention to detail helped the Steelers' offense, featuring starters Ben Roethlisberger—the youngest starting quarterback ever to win a Super Bowl—Dan Kreider, Willie Parker, Heath Miller, Max Starks, Kendall Simmons, Jeff Hartings, Alan Faneca, Marvel Smith, and Antwaan Randle El, to take the team to unexpected success;

Whereas the Most Valuable Player of the Super Bowl, Hines Ward, led the offense during the championship game by catching 5 passes for 123 yards and 1 touchdown;

Whereas running back Jerome Bettis, one of the National Football League's all-time leading rushers, returned to his hometown of Detroit to win his first Super Bowl, and then announced his retirement following the game;

Whereas the Steeler Nation is comprised of the greatest fans in professional football; and

Whereas for 73 years, the people of the City of Pittsburgh have seen themselves in the grit, tenacity, and achievement of the Pittsburgh Steelers franchise, and they proudly celebrate the team's 5th Super Bowl championship: Now, therefore, be it

Resolved, That the House of Representatives congratulates the National Football League champion Pittsburgh Steelers for winning Super Bowl XL and completing one of the greatest postseason runs in professional sports history.

The SPEAKER pro tempore (Mr. GINGREY). Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX).

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 670, offered by the distinguished gentleman from Pennsylvania (Mr. MURPHY), would congratulate the Pittsburgh Steelers on winning the 2006 National Football League title.

For the city of Pittsburgh, winning Super Bowl XL filled its residents with pride, the kind of pride that is only shared with two other teams in history. The Pittsburgh Steelers have joined the ranks of the elite. Only the San Francisco 49ers, the Dallas Cowboys, and now the Steelers have succeeded in winning five Super Bowl titles.

The Steelers had one of the most impressive runs through the postseason in NFL history by claiming victory as a sixth seed, having to play three consecutive games away from home. In doing so, the Steelers beat the top three teams in the AFC: the Cincinnati Bengals, the Indianapolis Colts, and finally the Denver Broncos. However, these contests seemed far in the past on February 5 as they geared up to tackle the Seattle Seahawks for the NFL title. In a fight to the end, the Steelers claimed the victory of 21–10 and clinched, surprisingly, the first Super Bowl win for each and every member of the team.

I urge all Members to come together to honor the Pittsburgh Steelers in overcoming the odds to become the champions of the National Football League.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

On February 5, 2006, the Pittsburgh Steelers beat the odds as they defeated the Seattle Seahawks to win ''one for the thumb'' by becoming only the third team in National Football League history to take a fifth Super Bowl championship home to its fans.

The greatest tribute to possibly the most loyal fans in professional football is a franchise and owners who have great respect for the hometown. The Rooney family has owned the Steelers from the beginning and is respected throughout professional football as being among the most honorable, ethical, and successful owners in the history of the game. It is no surprise that the Steelers are one of the most beloved sporting franchises in the country, and you would be hard pressed to find a community in this vast land that does not claim at least a few avid Steelers fans.

Despite the support of the fans and the Rooney family, the Steelers' eventual Super Bowl championship was far from a foregone conclusion. Going into their December 11 game against Chicago, the Steelers were faced with the reality that they would have to win their four remaining games to have any chance of making the playoffs. Coach Bill Cowher inspired his players to win those four games and to win three more games on the road to the Super Bowl. Of course, all Chicagoans were disheartened when the Chicago Bears gave them the impetus that they needed to be successful.

These victories were not only impressive; they were achieved as the team traveled the most difficult road any team has traveled to a Super Bowl championship in the 40-year history of the championship game. When the team arrived in Detroit, the Steelers still had to contend with the best team in the National Football Conference, the Seattle Seahawks. The Seahawks came into the game with the most prolific offense in the NFL. They scored the most points during the regular season and featured the NFL's Most Valuable Player as their starting running back.

Despite these challenges and many predictions to the contrary, the Steelers walked away champions and the first sixth-seeded team to win the Super Bowl. They add this Super Bowl victory to the many great moments that have made up the storied 73-year history of the Steelers franchise.

I certainly take this opportunity to congratulate the Pittsburgh Steelers on their against-all-odds accomplishment and Super Bowl victory. I encourage the House to adopt H. Res. 670.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, before I yield to my colleague from Pennsylvania, I want to note that Willie Parker, who is an alum of my alma matter, UNC Chapel Hill, had the longest run in Super Bowl history, and I want to congratulate him on that.

Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the Commonwealth of Pennsylvania (Mr. MURPHY).

Mr. MURPHY. The super Steelers, Mr. Speaker, are super again. And as Myron Cope would say, yoi and double yoi. For Sunday night, the Steelers won Super Bowl XL, otherwise in town we call it Super Bowl extra large, over the Seattle Seahawks by a score of 21–10.

This monumental win was the fifth National Football League championship for the Steelers franchise, tied now for the most in pro football history. And as we say in the 'Burgh, this win signified one for the thumb as it provided Pittsburgh with a fifth championship ring for their last finger on the city's collective hand.

The amazing Steelers finished their season by winning their final eight games, including the Super Bowl. And when the Steelers had a 7–5 record during the regular season, it looked like they might miss the playoffs completely unless they won each of their final four regular season games. But this team, like this city, does not give up. And the fans of the Steeler nation never give up on them. So the Steelers won their final four games. Then after clinching the sixth and final AFC playoff seed, the Steelers became the first team to win three road playoff games and then the Super Bowl.

And they were confronted with the toughest possible road to get there. The Steelers had to beat the top three teams in the AFC, the Cincinnati Bengals, the Indianapolis Colts and the Denver Broncos, each on their respective home fields.

No other team ever did this. No sixth-seeded playoff team ever made it to the Super Bowl. But then again, no other team is the Pittsburgh Steelers.

In the Super Bowl the Steelers faced the mighty Seattle Seahawks who possessed the highest scoring offense in the league, the NFL Most Valuable Player, running back Shaun Alexander. The Steelers' dominant defense, however, led by Troy Polamalu and Joey Porter limited the prolific Seahawks to just 10 points.

The Steelers offense was led by Super Bowl MVP Hines Ward who is here on the cover of the Tribune Review.

Mr. Speaker, you might be interested to know, as you probably already do, that Hines Ward is a graduate from the University of Georgia. He caught five passes for 123 yards and one touchdown which was thrown by wide receiver Antwaan Randle-El on a classic reverse pass.

Running back Willie Parker scored a Super Bowl record 75-yard run. Quarterback Ben Roethlisberger started the scoring with the second-quarter touchdown, was also known as having that play called the ''tackle against the Colts,'' which kept the Steelers' dream alive.

This was a remarkable fifth Super Bowl victory for a team that personifies grit, tenacity, and excellence with the city of Pittsburgh and members of the Steeler nation from around the world. It was a particularly great accomplishment for a team that was originally purchased by founder Art Rooney in 1933 for $2,500. At that time the Steelers were one of 10 charter members of the National Football League.

Today, the Steelers are operated by team owner Dan Rooney, his son and team president Art Rooney II, all from the offspring of Art Rooney.

Congratulations also go to head coach Bill Cowher who finally made it to the top of the mountain, as Dan Rooney says, for this win of the Vince Lombardi Trophy to bring it back to his hometown of Pittsburgh.

I know every coach from defensive coordinator Dick LeBeau, offensive coordinator Ken Whisenhunt, to the training staff and every front office staff member is reveling in this win, as they should.

Congratulations to running back and fan favorite Jerome Bettis. The Bus, the fifth leading rusher in NFL history, went out on top in story-book fashion, winning his first Super Bowl in his hometown of Detroit in the final game of his 13-year career. The Steelers kept their promise to him and brought him back to his hometown.

And finally, congratulations to the millions of Steelers fans from throughout the world that make up the Steeler nation. They were there, we were there at every home game and every away game, every household waving our terrible towels here. When I was over in Iraq and I was over in Afghanistan, there they were with their Myron Cope official terrible towels as well. They were there 250,000 strong at a parade Monday in Pittsburgh to welcome the team back. The fans were there over the years, thick and thin, like the Steelers, believing in the best, always strong, never satisfied with just being there. And now, as Dan Rooney has said, now that we have one for the thumb and the ring let us start on the next hand. Congratulations to the super Steelers, and let us make it another one for the next hand next year.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to an avid patron of the game, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to support House Resolution 670, congratulating the Pittsburgh Steelers for winning Super Bowl XL in Detroit, Michigan. On February 5, 2006, the Pittsburgh Steelers defeated the Seattle Seahawks by a score of 21–10. And by winning their impressive fifth Super Bowl, the Steelers tied the Dallas Cowboys and the San Francisco 49ers in the record books for the most Super Bowl championship wins in NFL history.

On Super Bowl Sunday, the Pittsburgh Steelers exemplified their blue-collar style of play that represents the great city of Pittsburgh. The Steelers completed the successful season utilizing their resilient defense and tenacious defense. They accomplished a tremendous feat by being the fourth wild-card playoff team to ever win a Super Bowl especially after defeating the top teams of the Cincinnati Bengals, the Indianapolis Colts, and the Denver Broncos.

Now, Mr. Speaker, I also want to congratulate the efforts of the Seattle Seahawks for making it to the Super Bowl after going through a very tough season.

Mr. Speaker, I also want to personally congratulate the efforts of the seven Asian Pacific Americans who are Polynesians and were participants in this year's Super Bowl: Lota Tatupu, Itula Mili, Wayne Hunter of the Seattle Seahawks and Troy Polamalu, Shaun Nua, Chris Kemoeatu and Kimo von Oelhoffen of the Pittsburgh Steelers. I want to emphasize how much they have accomplished in life by overcoming such a great feat in succeeding in the National Football League.

It is also interesting to note, Mr. Speaker, that from a population of approximately 300 million of our fellow Americans, there are 600,000 Polynesians living in the United States today of Tongan, native Hawaiian and Samoan descent; and 35 currently play in the National Football League. It is interesting to know that of the 35 players that currently play in the National Football League, Mr. Speaker, 24 are Samoans, four Tongans and seven Native Hawaiians.

It is amazing, Mr. Speaker, that from a population, as I noted earlier, in our country today that out of this 35 and interesting to note too that the 24 Samoans who currently play in the NFL, five are high school graduates from my humble district of American Samoa. And of the 24 Samoans that currently play in the NFL, Mr. Speaker, five are graduates from my alma mater, my humble high school Kahuku High School in Hawaii. And, Mr. Speaker, I want to especially commend my fellow Samoan, Pittsburgh Steeler player Troy Polamalu, and fellow Native Hawaiian Kimo von Oelhoffen for their outstanding performance at the Super Bowl. I also want to commend my fellow Samoan, linebacker with the Seattle Seahawks, Lota Tatupu. Again, I offer my congratulations to the Pittsburgh Steelers for winning their fifth Super Bowl game.

Ms. FOXX. Mr. Speaker, I yield as much time as she may consume to my distinguished colleague from the Commonwealth of Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I also rise in support of House Resolution 670 as a native Pittsburgher and still a Pittsburgher. I am fortunate to represent six of the counties around Pittsburgh and many Steeler fans.

□ 1445

It is with great honor that I stand here today to salute my hometown Super Bowl XL champion Pittsburgh Steelers. In fact, they won their first four Super Bowls when I was much younger, and the chant I have heard most of my life is, ''Let's win one for the thumb.'' Arguably, that is what we did on Sunday. They won their first four Super Bowls, though, with a very different team than the team that they

won with this year, but in a lot of ways the teams are related.

First, the same owners have continued to be the owners of the Steelers from the very beginning. I salute the Rooney family, Art Rooney, Art Rooney II, for their dedication to this team; the entire Steelers organization, which has been committed to this team like the owners of no other professional football organization. In fact, I think they have been more committed to this team than any other pro sports ownership family.

I also rise to congratulate the team, especially Jerome Bettis, also known as the ''Bus,'' for achieving a much deserved championship. Few could write a storybook ending as good as the one provided for Jerome Bettis. Jerome is a consummate professional and a refreshing example of what an athlete should be, even taking pay cuts over the last 2 years just to be a part of his beloved Steelers team to help them win their Super Bowl championship.

I also want to thank the city of Detroit, Jerome Bettis' hometown, where he got to win his Super Bowl ring. It was almost like a home game for everyone that watched the game, watching the Terrible Towels in the stands. The Steelers clearly felt very much at home.

Like Detroit, Pittsburgh is a football town. Our Steelers have been a source of identity and cohesion for a community that has gone through ups and downs in recent years. In the good times and in bad, though, the Steelers have always been a uniting force for the people of the Pittsburgh region.

I congratulate our young quarterback Ben Roethlisberger, who played even through a broken thumb toward the end of the season in some very tough games to come out on top.

I also congratulate the Most Valuable Player, Hines Ward, who received that award very deservedly. My mom identified him as the Most Valuable Player by the end of the first half.

There is a whole list of wonderful coaches, but I especially want to congratulate my constituent Coach Bill Cowher for finally being able to hoist the Vince Lombardi trophy after 14 seasons as head coach of the Steelers, where he maintains the distinction of being the longest-tenured head coach in the league and ranks fourth amongst active coaches in wins and winning percentage. He is a committed coach and family man. And all Bill Cowher wanted to do when they handed him the Lombardi trophy was to share it with Dan Rooney, the Steelers' owner.

Finally and most importantly of all, I salute the city of Pittsburgh and the fans of ''Steelers Nation.'' For those who are not aware of it, you are probably aware of it now. Steelers Nation extends from coast to coast and around the world. Unfortunately, because we had tough economic times, a lot of Pittsburghers do not live in Pittsburgh anymore, but they are all still Steeler fans. And after this weekend, there is really no question why. The grittiness, the strength, the cohesion, the humility, all the things that make Pittsburghers so wonderful translate very well into what these folks are around the country: committed, dedicated hometown people.

It is an honor to salute this team. They have overcome the longest odds in history to win the Super Bowl. They had their backs up against the wall, but they showed that Pittsburgh grit and that Pittsburgh tenacity, and I am really honored to be a Pittsburgher, especially today.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I will simply reiterate my congratulations to both Seattle and to Pittsburgh and suggest that next year I hope to see the Chicago Bears here. But if not, then we congratulate these two outstanding teams.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding.

First I want to start off by saying thank you to the city of Detroit for hosting the Super Bowl. I attended the Super Bowl with my 14-year-old son, and I can tell you it felt like we were in Pittsburgh. Not only were there Terrible Towels everywhere, but the weather felt like Pittsburgh weather, cold blustery weather. So I thank Detroit for making us feel so welcome and so at home, and thanks for ordering up that western Pennsylvania weather for us.

But I rise today to congratulate the Pittsburgh Steelers on an incredible season, an exciting road through the playoffs and a fantastic Super Bowl victory. I want to applaud the hard work of everybody on the team. They deserve that applause and respect.

I also want to congratulate the entire Rooney family. They are a great football family, and today they carry that tradition not just as one of the founding families of the National Football League, but as one of the leading families in western Pennsylvania who continue to give back to their community.

I would also like to take this opportunity to highlight the hard work and dedication and achievement of one of the unsung heroes of the Pittsburgh Steelers, and that is Coach Dick Hoak. Dick Hoak's name is not a household name, but he is one of the keys to the success of the Steelers over the years. Dick Hoak is the longest-tenured coach in NFL history, I might add. For the last 35 years, he has been a fixture on the Steelers sidelines and on the practice fields. In 1992, Bill Cowher named him the running backs coach, and he was the only coach retained from the previous staff. Over his 13 seasons under Cowher, Hoak's backfield has been able to compile over 28,000 rushing yards, which is the most in the NFL, and puts the Steelers alone at the top again as the only team to surpass the 28,000 rushing yard threshold.

Hoak's history with the Steelers started even earlier, though, growing up in the shadows of Pittsburgh in Jeannette, Pennsylvania. In 1961, he was the Steelers seventh-round draft pick as a Nittany Lion from Penn State. He went on to spend 10 seasons in Pittsburgh's backfield, earning a spot on the Pro-Bowl. Dick has been producing for the Steelers for over 45 years.

This Super Bowl victory is a great accomplishment for all those involved, and we are proud of our Steelers. Western Pennsylvanians can be proud of their native son Dick Hoak. And I know of three little guys who are especially proud of Dick Hoak, and they are my nephews and Dick Hoak's grandsons, Michael, Jonathan, and Daniel Shuster. Now they can all look to their grandfather, and he can literally put five rings on that one hand and get ready for the sixth one next year, because Dick Hoak literally does have five Super Bowl rings and one for the thumb.

So to the Steelers organization, congratulations. We are all very proud of everybody on that team and in the organization.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from the State of Ohio (Mr. OXLEY).

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, some folks may wonder why I am up here with the distinguished delegation from the Pittsburgh area, and that deserves some explanation.

The fine young quarterback for the Steelers, who became the youngest quarterback to win a Super Bowl, Ben Roethlisberger, is from my hometown of Findlay and also a graduate of Miami University, my alma mater, the cradle of coaches. And we are very proud of Ben's accomplishments, not only what he has meant to Findlay and our community and to the State of Ohio, Miami University, and the great record that he had at Miami, but, of course, now with Pittsburgh. There are a lot of Cleveland Browns fans who are very frustrated about the fact that the Browns chose one before Pittsburgh, the Browns chose somebody else besides the native son of Ohio, and the winner of that, of course, was Pittsburgh and the Steelers, and they stand to gain by winning a fantastic Super Bowl.

So I want to thank my good friend Congressman MURPHY for adding me as a cosponsor to this legislation, making me part of this great celebration, and truly honor this fine young man who is such a great role model for the kids in

Findlay and Pittsburgh and really all over the country to show that a classy young guy at 23 can lead a distinguished team to a Super Bowl victory. It is an honor to be here and to bask in the glory, really, of the team, the coaching staff, the Rooney family, and, of course, the great contribution that this 23-year-old young man from Findlay, Ohio and Miami University made, Ben Roethlisberger. Congratulations to all.

Ms. FOXX. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I thank the gentlewoman for yielding to me, allowing me to wrap up here.

As we congratulate this new generation of Steelers who we are excited about, it is a good time to also remember those who got us so many memories in the past: Terry Bradshaw; Lynn Swann; Joe Greene; Franco Harris; Blount; Lambert; Wagner; and, of course, the great coach Chuck Noll. They built a team, along with the Rooneys, in which the dynasty was set. And it is an exciting time for Pittsburgh to celebrate, Pittsburghers and everywhere around the world in the Steelers Nation to celebrate the new generation of Steelers. As a Congress we take our hats off to all of the NFL players who work so hard and maintain that tenacity and dignity on and off the field and show what America is about.

As I talked to soldiers overseas and saw Steelers banners hanging there as well as many other NFL banners, it was always fascinating for me to see how people from overseas still clung to the hopes that their hometown teams gave them. Indeed, it is a message that goes to people all throughout the world for the Steelers Nation of what it means to be a team that was counted down and out but ended up on top. It is something of a lesson we can all remember as Americans of what this great team, the Super Steelers, have taught us.

Ms. FOXX. Mr. Speaker, I urge all Members to support H. Res. 670, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GINGREY). The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and agree to the resolution, H. Res. 670.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CHABOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

HATTIE CARAWAY STATION

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4456) to designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the ''Hattie Caraway Station,'' as amended.

The Clerk read as follows:

H.R. 4456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HATTIE W. CARAWAY STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, shall be known and designated as the ''Hattie W. Caraway Station''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Hattie W. Caraway Station''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX).

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4456, offered by the distinguished gentleman from Arkansas (Mr. BERRY), would designate the post office building in Jonesboro, Arkansas, as the ''Hattie Caraway Station.'' All members of the Arkansas delegation have cosponsored this legislation.

Hattie Wyatt Caraway was born on February 1, 1878, near Bakerville, Tennessee. After marrying her husband Thaddeus Caraway, the couple moved on to Jonesboro, Arkansas, where Thaddeus started his political career by being elected into the U.S. House of Representatives. He served as a Democrat in the House from 1912 until 1921, when he successfully ran for the Senate. He served in that capacity until he passed away in 1931.

In the same year, Arkansas Governor Harvey Parnell appointed Hattie Caraway to serve out the rest of her late husband's term. She was confirmed by a special election on January 12, 1932, becoming the first woman elected to the United States Senate.

□ 1500

While serving as a Senator in 1933, Caraway became the first woman to chair a Senate committee; and in 1943, she became the first woman to take up the gavel on the Senate floor as the Senate's presiding officer.

When Caraway was defeated in her reelection efforts in 1944 by William Fulbright, her fellow Senators honored her with a standing ovation on the Senate floor. Her service to our country did not go unnoticed, and her groundbreaking accomplishments paved the way for women everywhere. At this time in our history, women had won the right to vote only 25 years earlier.

I ask all Members to join me in honoring this courageous woman who helped shape our Nation's history by passing H.R. 4456.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Arkansas (Mr. BERRY), the sponsor of this legislation.

Mr. BERRY. Mr. Speaker, I think it is fitting and proper that we are here today to proceed with naming a post office in Jonesboro, Arkansas, for Senator Hattie Caraway. She obviously was the first to do a lot of things.

She was the first woman ever elected to the United States Senate in her own right. She was the first woman to chair a Senate committee, the first woman to take up the gavel on the Senate floor.

She was said to be called ''Silent Hattie'' by her colleagues in the Senate; and when asked why she avoided making speeches, and those of us that serve in this distinguished body I am sure can identify with this, she said, ''The men have left nothing unsaid.''

She might have gotten very tired sometimes of hearing it said over and over again, but she served with great distinction, not only the State of Arkansas but this wonderful Nation that we all represent, and broke the way for many people to do some good things.

She also was said to drink a beer occasionally, but she would never fill the glass higher than what her hand reached. I guess to be sure that she did not have too much. I think that is an interesting fact that has been included in the information about Senator Caraway.

She was a resident of Jonesboro, Arkansas, for nearly 50 years. She reared her family there, attended church, and actively participated in the Jonesboro community and civic organizations. Her husband, of course, was a United States Senator and was responsible for getting the post office set up on the Arkansas State University campus. The Caraways were great friends with V.C. Kays, the founding president of Arkansas State University. One year at Christmas, when Thad was dressed as Santa, Hattie supposedly jokingly locked him out of the party.

She made history again recently by becoming the first Arkansasan to ever appear on a stamp. On February 21,

2001, in Little Rock, the 76 cent Hattie Caraway definitive stamp was unveiled, which was the third in the Distinguished Americans series.

The new Hattie Caraway station will be an expansion of delivery services for the postal service in Jonesboro, Arkansas. It will be presided over by the postmaster, Hillrey Adams, who will do a wonderful job of expanding these services; and, again, it is fitting and proper that we name this station after Senator Hattie Caraway and congratulate her and those that have come after her for the wonderful job that she did.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, the history of Senator Caraway is a wonderful history, and I keep learning more things about her.

There is a wonderful book that was written by former State Senator David Malone from Arkansas called ''Hattie and Huey,'' and it tells this remarkable story when Senator Huey Long came up to Arkansas to campaign for Senator Caraway. They basically barnstormed all around the small towns of Arkansas, the two of them together: Ms. Caraway, Silent Hattie; and Senator Long. It is just a remarkable and colorful story.

One of the things I just recently learned in the last couple of days about Senator Caraway is that her maiden name was Wyatt, W-Y-A-T-T. Well, I have one of my favorite relatives, my uncle Dick Wyatt, who lives in Medford, Oregon, who had a stroke over the weekend and is doing well but has got a lot of recovery and rehabilitation ahead of him; but I have now got to figure out, well, is my Uncle Dick somehow related to Hattie Wyatt Caraway.

One of my favorite stories about Senator Caraway was she was appointed to the seat after her husband passed away and then they had this election which essentially ratified the appointment, but it was not expected that she would run for reelection for a full regular term herself. She was trying to make up her mind what to do. I think she was with her son in her own home, and they were trying to decide what to do with a group of her advisers. Somebody said, well, let us flip a coin; and so they flipped a coin, and it came up that she should not run. It got real quiet, no one said anything, and then she said, let us go two out of three. That is when they knew she had the fire in her belly and that she wanted to run. They actually flipped the coin. It came up twice that she should run.

I think this is a very fitting tribute to Senator Caraway. She has been a tremendous role model for women in America, and I appreciate the gentleman from Arkansas (Mr. BERRY) for sponsoring this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I suspect that we have exhausted our requests for time, but let me just say that I am pleased to join with both these gentlemen from the State of Arkansas in supporting this legislation.

As a former resident of the State of Arkansas, I thought I knew about its history, but this is one that had actually escaped me. I did not know that Hattie Wyatt Caraway was the first woman elected to the United States Senate. I did not know that Arkansas had been the recipient of that act and of that action, and I certainly want to join with my colleagues in suggesting that it is indeed fitting and proper that we name the post office at Jonesboro, Arkansas, after Senator Hattie Caraway.

Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I, along with my colleague, find that one of the great benefits of serving in the House is learning a lot of history, and I, too, have learned a lot today. I want to urge all Members to support the passage of H.R. 4456, as amended.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4456, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the 'Hattie W. Caraway Station'.''.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE MUSEUM

Ms. FOXX. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 389) supporting the goals and ideals of The Year of the Museum.

The Clerk read as follows:

H. RES. 389

Whereas museums are institutions of public service and education that foster exploration, study, observation, critical thinking, contemplation and dialogue to advance a greater public knowledge, understanding, and appreciation of history, science, the arts, and the natural world;

Whereas Americans, according to survey data, view museums as one of the most important resources for educating our children; and museums have a long-standing tradition of inspiring curiosity in our Nation's schoolchildren by devoting more than $1 billion and more than 18 million instructional hours annually for elementary and secondary education programs in communities across America through creative partnerships with schools; and by involving professional development for teachers, bringing traveling exhibits to local schools, digitizing materials for access nationwide, creating electronic and printed educational materials that use local and State curriculum standards; and by and hosting interactive school field trips;

Whereas museums serve as community landmarks that contribute to the livability and economic vitality of communities through expanding tourism; and that museums rank in the top three family vacation destinations; revitalize downtowns, often with signature buildings; attract relocating businesses, by enhancing quality of life; provide shared community experiences and meeting places; and serve as a repository and resource for each community's unique history, culture, achievements, and values;

Whereas the Nation's more than 16,000 museums found in 9 out of every 10 counties in the United States receive approximately 865,000,000 visits annually from people of all ages and backgrounds, with attendance being free at more than half of these museums;

Whereas research indicates Americans view museums as one of the most trustworthy sources of objective information and believe that authentic artifacts in history museums and historic sites are second only to their family in significance to creating a strong connection to the past;

Whereas museums enhance the public's ability to engage as citizens, through developing a deeper sense of identity and a broader judgment about the world, and by holding more than 750 million objects and living specimens in the public trust to preserve and protect our cultural and natural heritage for our current and future generations;

Whereas museums are increasingly entering into new partnerships with community educational institutions that include schools, universities, libraries, public broadcasting, and 21st Century Community Learning Centers, which then, as partners, reach across community boundaries to provide broader impact and synergy for their educational programming;

Whereas supporting the goals and ideals of The Year of the Museum would give Americans the opportunity to celebrate the contributions museums have made to American culture and life over the past 100 years; and

Whereas in 2006, American museums are celebrating 100 years of cooperation as a profession and their collective contribution to our communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of The Year of the Museum; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such a year with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX).

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 389, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, House Resolution 389 offered by the distinguished gentlewoman from New York (Ms. SLAUGHTER) would support the goals and ideals of The Year of the Museum in 2006.

America's museums, some of the Nation's premier cultural learning centers, have for decades educated both young and old on the history of our being. From artistic displays to archaeological artifacts, to science and the natural earth, museums help preserve the past and help us to understand our roles in the modern world.

Museums play a very important supplemental educational role, which is central to their service to the public. People of all ages and backgrounds have traditionally gathered to learn from their exhibits and programs. A recent national survey shows that Americans view museums as one of the most important resources for education and one of the most trusted sources for objective information.

Along with the educational benefits, museums continue to influence travel and tourism. They provide a common experience that families can share and experience across generations. In fact, museums rank in the top three family vacation destinations. American families from all income and education ranges visit museums each year. According to the American Association of Museums, there are 2.3 million museum visits a day, adding up to 865 million visits per year in the United States.

In conclusion, I urge all Members to come together in support of this important and timely resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of H. Res. 389 and join with my fellow colleagues in celebrating the more than 11,000 museums located in communities across this country.

Museums inspire us to dream, to examine the world around us and beyond, and to discover new and exciting things. Museums enable us, and especially our children, to explore everything from the smallest form to the infinite, from microscopic plants to the vast expanses of the universe.

Museums foster our most basic desire to understand what, where, when, why, and how. They also are a great educational resource that enrich our children's learning by complementing what they experience in school. Children learn best when inspired to think abstractly and creatively, and there is no better place outside of our schools for that to occur.

Museum staffs go to great lengths to consult State educational curricula and guidelines when designing exhibits, thereby further enhancing the quality and relevance of the museum experience. Each year, museums spend over $1 billion to create and stage educational exhibits and special programs.

Those of us here in Washington, D.C., are lucky enough to be close to the Smithsonian Institution, which is comprised of some of the best museums in the world. In the blocks between the Capitol and the Washington Monument, anybody with a desire to learn or explore can visit a tropical rain forest, step back to the time of the Civil War, see art from different cultures and periods, examine spacecraft that have been launched into space, touch a Moon rock, and learn about prehistoric animals.

So I rise in support of this bill because museums are an indispensable part of our education system and nurture our desire to discover what we do not yet know.

I live in a museum-rich environment. My congressional district has the Alder Planetarium and Astronomy Museum, the Chicago Center for Black Music Research Library, Chicago Children's Museum, the Chicago Historical Society, the Ernest Hemingway Museum, the Field Museum of Natural History, the Frank Lloyd Wright Home and Studio, the Garfield Park Conservatory, the Hellenic Museum and Cultural Center, the Hull House Jane Addams Museum, the Illinois Labor History Society, the Museum of Broadcast Communications, Museum of Contemporary Art, Museum of Contemporary Photography, National Vietnam Veterans Art Museum, the Peace Museum, the John G. Shedd Aquarium, the Spertus Museum, the Terra Museum of American Art, and the Ukrainian National Museum of Chicago.

So my colleagues can see, Mr. Speaker, there is no way that I could not be supportive of museums.

Mr. Speaker, I yield back the balance of my time.

□ 1515

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am pleased to join with my colleague and cochairman of the bipartisan Congressional Arts Caucus, the gentlewoman from New York (Ms. SLAUGHTER) in cosponsoring House Resolution 389 to recognize 2006 as The Year of the Museum.

Today on the occasion of the 100th anniversary of the American Association of Museums, we recognize the importance of museums, which have been serving the American public since 1773, encouraging curiosity and providing a source of enjoyment and education for every generation.

Our resolution recognizes The Year of the Museum as a celebration of great American culture, history and traditions. Having grown up in an arts family, my mom and dad met in the theater and had a lifelong commitment to the arts. I was fortunate to have the opportunity to experience the value of the arts and humanities throughout my childhood.

Today, families in southwest Connecticut enjoy a wide range of institutions like the Barnum Museum, the Discovery Museum and Museum of Art in Bridgeport, the Bruce Museum of Arts and Science in Greenwich, and the Aldrich Museum of Contemporary Art in Ridgefield, to name some.

Nearly all of us in the House of Representatives are fortunate enough to have at least one museum, obviously many more in our district. Think of the impact museums have across our country, providing environments for learning and sharing where children, their parents and their grandparents can work together to connect ideas and experiences in direct, vivid and meaningful ways.

Museums teach the stories of the struggles and accomplishments of different cultures and unfamiliar people and achieve a deeper understanding of their own families, neighborhoods, the country in which they live, and the world at large.

I obviously urge my colleagues to join us in recognizing the vast public service provided by the museums in their own communities by supporting The Year of the Museum Resolution.

Ms. FOXX. Mr. Speaker, I urge all Members to support the adoption of H. Res. 389.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 389, supporting the goals and ideals of the Year of the Museum.

Museums are one of the most important educational tools that our society has to offer. Museums can teach us about history, art, science, literature, and any number of other subjects. From the great Smithsonian museums of Washington, DC, to the Houston Children's Museum or the Houston Fire Museum, these institutions enrich our society by enhancing our knowledge about the world in a way that is more personal and more affecting than one can find in a book.

The Year of the Museum will help to reinforce to all Americans how important museums are to our culture. It will introduce people to museums they did not even know existed, and hopefully, it will encourage people to go back to a museum they have not visited in many years.

Education can be the silver bullet in our society. Study after study has proven that the more education a person has, the less likely that person is to lead a life of crime, or do drugs, or go on welfare.

Museums will help to improve the educational system in this country by increasing our knowledge of our world and of our culture. There are more than 30 museums in the city of Houston, and I would encourage my fellow Houstonians to go and visit all of them.

Mr. Speaker, the Year of the Museum is long overdue, and I appreciate the Distinguished Lady from New York for introducing this excellent piece of legislation.

I strongly support H. Res. 389, and I encourage my colleagues to do the same.

Ms. SLAUGHTER. Mr. Speaker, I rise today in support of H. Res. 389, a resolution celebrating the Year of the Museum. This resolution recognizes the importance of museums which have served the American public since this country was founded and include every type of institution from A, art to Z, zoo. From arboretums, botanical gardens, zoos, historic

presidential homes and libraries to science centers and art and children's museums, they encourage curiosity, they provide a source of enjoyment as well as education, and they preserve our country's great history for every generation.

I'm sure there is not a person among us who does not have a cherished memory of a visit to a museum. Museums are unique places in our communities. They come in every variety and size. Their collections and the ideas they share cover the broad spectrum of human endeavors—science, history, nature and art. There is a museum to satisfy and peak the interests of everyone of us.

Museums are public forums. They provide an environment rich with opportunity for intergenerational learning and sharing among children, parents, and grandparents. Museum visitors can come to know the struggles and accomplishments of different cultures and achieve a deeper understanding of their own family's, community's and country's history. But most importantly, museums are fun places to visit.

I have always loved museums and have been fortunate to have a number of world-renowned museums in my own district: the Buffalo Museum of Science, the Martin House Restoration Corporation, the Italian Heritage Museum & Cultural Center of Western NY, the Baker-Cederberg Museum and Archives, the George Eastman House, Landmark Society of Western New York, the Memorial Art Gallery at the University of Rochester, Rochester Historical Society, Rochester Museum & Science Center, the Strong Museum and the Susan B. Anthony House. These museums are so diverse; clearly any person could find the perfect museum in which to explore a unique interest.

But it is not just my constituents that have benefited from the presence of museums. All Americans do, because there are museums in nearly every Congressional District across this country. And they help our economy. Museums play an important role in promoting travel and tourism and driving economic development. They bring heightened local and national visibility to communities and their artists, scientists, and educators, and they spend $5.2 billion a year serving the American public. Most museums operate as small or mid-sized community institutions, offer free or reduced admissions at least one day a week, work with local schools to enhance curriculum and education of students and families, and employ paid staff and dedicated volunteers.

In addition to educating and entertaining, museums undertake the immense task of preserving and protecting the more than 750 million objects in their collections, ensuring that they are publicly available to our citizens for this and future generations.

H. Res. 389 recognizes "The Year of the Museum" as a celebration of great American cultural, history and traditions. I urge my colleagues to join me in recognizing the vast public service provided by the museums in their own communities by supporting this resolution.

Mr. HOLT. Mr. Speaker, I rise today to support H. Res. 389, supporting the goals and ideals of the Year of the Museum. This year marks the centennial of the American Association of Museums, and in turn we celebrate the museums throughout our nation that educate, entertain, and enrich local communities. I am proud to say I am a cosponsor of this resolution.

There are more than 16,000 museums in the United States that protect and share our cultural heritage. Museums help us understand who we are and where we came from. They preserve our history, our artifacts, and our art, and they display it in ways that increase our understanding of familiar and foreign cultures and of the universe itself.

History comes to life for the millions of children who visit museums every year. 11,000 American museums have educational programs for schoolchildren of all ages. Museums annually spend more than $1 billion and 18 million hours to educate children through school programs such as guided field trips, traveling exhibits, and professional development for teachers.

The 12th District of New Jersey is home many diverse museums, including the New Jersey State Museum in Trenton. In addition to exhibits on local history, the State Museum offers a wide array of educational opportunities to children, including family oriented educational workshops and a planetarium. From the vast fine arts collection of the Princeton University Art Museum, to the learning opportunities available at the Vietnam Era Educational Center, I am proud of the benefits that all of the 12th District's museums provide to our community.

I support the goals of the Year of the Museum and I am proud to join my colleagues in supporting this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and agree to the resolution, H. Res. 389.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL MENTORING MONTH

Mr. OSBORNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 660) supporting the goals and ideals of National Mentoring Month.

The Clerk read as follows:

H. RES. 660

Whereas youth mentoring is a centuries-old concept, through which a dependable adult provides guidance, support, and encouragement to help a young person become a responsible, productive adult;

Whereas mentoring, when done well, helps young people stay in school and improve academically, boosts self-esteem and communication skills, and improves the chances of going on to higher education;

Whereas there are thousands of mentoring programs in communities of all sizes across the United States, focused on building strong, effective relationships between caring and responsible adults and young people who need positive adult role models;

Whereas in spite of the great benefits mentoring provides, America has a serious mentoring gap, with more than 15 million young people currently in need of caring adult role models;

Whereas the demand for mentoring far exceeds the current capacity of local mentoring programs and the number of adults who currently volunteer as mentors;

Whereas on December 22, 2005, the President designated January 2006 as National Mentoring Month to focus the Nation's attention on the essential role mentoring plays in the lives of young people;

Whereas the month-long celebration of mentoring will encourage more individuals and organizations, including schools, businesses, nonprofit organizations, faith institutions, and foundations, to become engaged in mentoring; and

Whereas National Mentoring Month will, most importantly, build awareness of mentoring and recruit more individuals to become mentors, helping close our Nation's mentoring gap: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Mentoring Month;

(2) acknowledges the hard work of individuals and groups who promote mentoring and who are observing the month with appropriate ceremonies and activities that promote awareness of and volunteer involvement with youth mentoring; and

(3) recognizes with gratitude the contributions of the millions of caring adults who are already serving as mentors and encourages more adults to volunteer as mentors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. OSBORNE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE).

GENERAL LEAVE

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 660.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. OSBORNE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I am pleased to rise today in honor of National Mentoring Month, which actually was celebrated in January, but we were not here in January, so we are doing it a month late. I would like to honor the contributions of the thousands of mentors and mentoring programs across the country that work so hard to provide young people with support and assistance.

And I would like to make a personal reference here, Mr. Speaker, in that I spent most of my previous career, 36 years, working with young people, and I saw many changes during that period of time, certainly great changes in the family. The out-of-wedlock birth rate was 5 percent in 1960; today it is about 35 percent. So a huge increase.

And at the time that I first started my coaching career, the number of children living with both biological parents was 90 percent. Today it is roughly 50 percent. And we currently

have 22 million fatherless children in the United States today. And I worked with many young people who were without fathers, and I saw the devastation that this lack of a father caused in their lives.

I also witnessed many cultural changes during that 36-year period. We have become the most violent Nation in the developed countries for young people, currently lead the world among developed nations in suicide and homicide rates. Certainly drug and alcohol abuse has increased dramatically. And, of course, gang activity, many people are aware of the increase there.

And also some of the influences of the media have not all been that positive. Some of the television, some of the movies, some of the Internet activities, some video games certainly have been somewhat pernicious and not been helpful to our young people.

So if we look at history, we realize that most great civilizations decline and fall due to internal factors, not external consequences. And so if we look at Rome, to some degree the British Empire, Soviet Union, we see some of those things occurring. And I think it is important that we not be caught off guard here in the United States.

It is difficult to legislate or mandate solutions to some of the problems that I have outlined briefly here, but I would like to remind the fact that mentoring does work. An adult who has no vested interest in a young person, who is not a parent, not a grandparent not a teacher, no one who is paid to come and spend time with that child, makes a tremendous impact on that child's life if they simply care enough to show up and spend time, because it indicates to that young person that they are worth something, that they are worthwhile. And so we see some dramatic changes.

My wife and I have been involved with a mentoring program which currently mentors 2,900 young people, mostly in the State of Nebraska. We have done some research through Gallup, the polling company, and they have found that absenteeism, in a good mentoring program, is reduced by 80 percent, absenteeism from school. We find that discipline referrals go down by about 70 percent, grades improve by 40 percent, and also pregnancy rates go down significantly. Substance abuse is decreased by 40 to 50 percent. Gang activity is reduced substantially.

And some things improve and increase. Graduation rates go up. And personal hygiene and personal relationships with parents and peers also tends to improve.

So a mentor is someone who cares. And we have so many young people in our country today who simply do not have an adult in their life that they can count on, somebody that cares about them unequivocally and will always be there for them.

A mentor is also someone who affirms, who says, I believe in you, I see some talent, I see some possibility. A mentor is someone who provides a vision of what might be possible. So mentoring is critical. Mentoring does work.

And Congress has responded. We had an amendment to No Child Left Behind called Mentoring For Success, which I was able to introduce. In the last 5 years we have provided $184 million of support for mentoring programs around the country. This is supported, of course, by Chairman BOEHNER.

Another mentoring program was funded to the tune of $168 million, and this is for children of prisoners. It was through HHS and supported by the President. And currently it costs about $500 per mentoring match, and so we reach undoubtedly 600,000, 700,000 children through these programs.

Mentoring is cost-effective. It costs $500 to mentor a child. It costs $25,000 to $30,000 to lock someone up in prison. And the average meth addict will cost the State that it resides in roughly $47,500 if they are addicted to meth because of crimes committed and other abuses.

So at the present time, Mr. Speaker, it is estimated that we need roughly 18 million mentors in the United States, children who badly need somebody in their life. We currently are able to supply roughly 3 million, so we are 15 million short. And what we have done in Congress is helped; certainly been a step in the right direction.

So I am pleased that we can at least acknowledge what has been done, and National Mentoring Month has certainly increased awareness and shown the importance of mentoring and the need for more mentors across the country.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague from Nebraska for his leadership in bringing this resolution recognizing National Mentoring Month to the floor today. Since he arrived in Congress, the coach, as he is so often called, has worked to make youth issues a priority both on and off the field, and this resolution is another example of his dedication to this effort.

As we celebrate mentoring today, I am reminded of the words of Coretta Scott King when she said: I am fulfilled in what I do. I never thought that a lot of money, nor fine clothes, the finer things in life would make you happy.

Mentoring is not a material good. It does not involve lots of heavy spending or working long hours to achieve monetary greatness, but mentoring truly is one of the finer things in life. It is a valuable activity that gives all involved a sense of happiness and connection that material things cannot.

A mentor, of course, is often an adult, who, along with parents, provides young people support, counsel, friendship, and a constructive example. The average mentor spends 8 to 10 hours a month with his or her mentee on activities such as reading a good book aloud, visiting museums or going to the playground.

When a young person is matched with a caring, responsible individual, this relationship often makes a positive difference in the quality of life for that young person.

For much too long we have focused on providing remedies to problems that only address negative behavior, rather than looking at ways to promote the positive and healthy development of our young people. This resolution directs us to focus on what children need in order to grow into healthy, safe and well-educated adults, making sure that children have access to a caring and responsible adult relationship.

Mentoring opens young people's eyes to a brighter future, and every young person deserves that opportunity. Unfortunately at this time there are simply not enough mentors to go around. Only about 1,000 of the more than 1 million school-aged children in the Chicago area are fortunate enough to have a mentor. Nationally more than 15 million young people currently are in need of a caring adult role model.

In Chicago and across the country, it is clear that the mentoring framework is in place. Now we just need more people to volunteer their time to help change the life of a child. Research shows that young people who are mentored have a stronger attachment to school, higher graduation rates, and decreased involvement with drugs, gangs and violence.

This bill recognizes these positive outcomes and acknowledges the hard work of individuals and groups who promote mentoring. Mentoring is a strong investment in our children and in the future of our country. Therefore, Mr. Speaker, I am indeed pleased to join with Representative OSBORNE and my colleagues in celebrating the essential role that mentoring plays in the lives of our young people.

Again, I commend the gentleman from Nebraska for his outstanding leadership in bringing these kinds of issues to the forefront and to the attention of the Members of this body.

Mr. Speaker, I reserve the balance of my time.

Mr. OSBORNE. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. DAVIS).

□ 1530

Mrs. DAVIS of California. Mr. Speaker, I rise in strong support of House Resolution 660. I want to thank my colleague from Nebraska for his work stressing the need for mentoring in our Nation. It has been a pleasure to work with Congressman OSBORNE over the years to emphasize this great need for mentors.

Just yesterday a young woman from my San Diego community dropped by my office to share her story of how a

mentoring program changed her life. She came from a difficult family situation as a teenager and sought help from the Turning Point program at the YMCA Youth and Family Services in San Diego. There she found the help and the guidance of mentors who helped her in turning her life around for the best and eventually enrolling in college and setting some very ambitious personal goals. With the help of mentors, she learned the skills and confidence needed to make it in life, including how to communicate and how to build self-esteem. And she also learned practical skills in the 18-month program such as how to budget finances and how to approach job interviews.

Mr. Speaker, her story is a perfect example of the power and impact of mentoring. Those who receive the help and the support of a mentor are likely to help others and to do good. As an adult she now works as a staff member of the Turning Point program, returning the gift of mentoring to young at-risk youth who face similar circumstances. Her experience also shows that mentoring is not only about helping people facing difficulties, but giving them the strength and the drive to chart their own course and to discover their own strength and talents. Her talent now is helping others change their lives for the better.

We are hearing a lot right now about the need to make our young people competitive and to push academic standards, but let us also guide our children and give them the self-esteem and the courage to face the world and all its obstacles, particularly those young people who face substantial obstacles. Our children need the wisdom and strength of someone who cares. And I know as a school board member I would often run into teachers and principals who came from what we would call tough neighborhoods, and I would ask them what made the difference, because they would share with me that a lot of children they grew up with were in jail, and some had died, young people, and they shared that the one person, that one teacher that showed an interest, that one community member who always looked out for them, that one member who really would not let them get away with things growing up. It is always important to have that special someone there who cares.

As a proud sponsor to H.R. 660, I want to urge my colleagues to support the resolution before us today and to recognize the need to promote mentoring.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the proposed bill, H. Res. 660, "Supporting the goals and ideals of National Mentoring Month."

In 2002, January was deemed National Mentoring Month to recognize the importance that mentoring has on our Nation's youth. The demand for mentors stems from the growing need of our Nation's youth to have positive role models in their life that can provide them with the critical support and guidance necessary for them to succeed.

Without external support they are less likely to graduate from high school, and more likely to engage in criminal behavior. In contrast, youth matched in mentoring programs are 46 percent less likely to use illegal drugs and 37 percent less likely to skip a day of class. Additionally, youth in mentoring programs show increased self-esteem, self-confidence and self-worth.

The benefits of mentoring do not stop with the youth. Research by the Commonwealth Fund shows that 83 percent of adult mentors "learned or gained something personally from their mentoring experience," suggesting that mentoring is a positive experience for the both the mentor and the youth.

Further, by involving individuals and organizations, such as non-profits, faith-based institutions and businesses, we strengthen our communities—something that each of us works diligently to accomplish on a daily basis.

In my district in Houston, we have worked to foster this relationship through several mentoring programs. Two key institutions are the Volunteer Houston Mentoring Institute and the National Big Brothers, Big Sisters Program, both of which are working with area schools to administer successful programs. Volunteer Houston and the Houston Independent School District entered into a partnership to ensure that at-risk high school students have mentors to help them achieve academic success. Last year, the national Big Brothers, Big Sisters Program matched 225,000 youth with mentors, 1,500 of which are in the Houston program.

Both of these programs illustrate that significant progress has been made, but there is still much to be done. Nationally, there are as many as 15 million young people that make up what is known as the mentoring gap, or youth in need of mentors. In my district this is of particularly grave concern, as 5,300 youth displaced by hurricane Katrina are enrolled in the Houston Independent School District. They have sustained both psychological and emotional burdens, and could immediately benefit from a mentoring program.

In order to extend the great benefits of mentoring to all of those in need of services it is important to recruit new volunteers and expand the scope of operations.

With that said, I join my colleagues in supporting the goals and ideals of National Mentoring Month, recognize the need for increased awareness, and stand to recognize those selfless individuals and organizations that make mentoring a priority, often without the praise they deserve.

Mr. LEVIN. Mr. Speaker, I am so glad to be here with my colleagues Supporting Goals and Ideals of National Mentoring Month.

As House Resolution 660 so accurately states, "mentoring is a centries-old concept, through which a dependable adult provides guidance, support, and encouragement to help a young become a responsible, productive adult." It goes on to conclude that when properly carried out mentoring "helps young people stay in school and improve academically, boosts self-esteem and communication skills, and improves the chances of going on to higher education." I could not agree more.

In Michigan, we proudly recognize the contributions made by Mentor Michigan, led by Governor Jennifer Granholm, and the First Gentleman Dan Mulhern. Two individuals who lead by example and serve as mentors themselves. I was recently privileged to join the First Gentleman at a presentation on mentoring at the First Presbyterian Church in Mt. Clemens, Michigan where he spoke passionately and effectively not only about the meaning of mentoring in his own life but the broader impact it has for our Michigan community.

This program exemplifies what happens when government and community actively work to make certain all of our youth develop lasting relationships with individuals who are stable and caring. By developing a state-wide network of mentoring programs, Mentor Michigan has fostered support and unity among programs that accomplish what so often gets overlooked, encouragement and guidance of youth. Mentoring programs throughout the state are work in conjunction with Mentor Michigan to promote three simple values.

First, that every child has the right to a stable, caring adult in his or her life. It is so easy to take this for granted. In Michigan, over 237 programs connect youth with high quality mentors that are dedicated to helping children reach their aspirations and guiding them through fulfilling their needs. Mentor Michigan recruits and connects dedicated mentors with effective programs.

Second, everyone is responsible for the well being of our children including individuals, businesses, nonprofit and faith-based organizations, education institutions, and government. "It takes a village to raise a child," says an old African proverb, and Mentor Michigan knows that a safe, well developed network of resources is a vital way to show that community involvement matters in shaping the way young people see the world. Mentors satisfy needs and programs that value mentors such as Mentor Michigan should be commended.

Third, volunteering is a significant way for people to enrich their lives by giving of themselves to children in their community. Youth energize the world around them and working with youth energizes the individuals who take up the challenge. Over 99 percent of Michigan's mentors have recommended mentoring to others. Mentor Michigan programs provide Americans the opportunity to develop young leaders of tomorrow.

Michigan is the only state with such a focus on tracking and assessing its mentoring programs. It is estimated that over 30,000 Michigan youth benefitted from having a mentor in 2005. I feel privileged to know such outstanding devotion to the generation of tomorrow and very proud to honor it today.

Mr. Speaker, I ask that my colleagues join me in recognizing the great contributions mentoring programs make every day to a better America of tomorrow.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OSBORNE. Mr. Speaker, I urge support of H. Res. 660. I want to thank Mr. DAVIS of Illinois for his support.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the resolution, H. Res. 660.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 657) honoring the contributions of Catholic schools.

The Clerk read as follows:

H. RES. 657

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2005–2006 academic year is about 2.5 million and the student-teacher ratio is 15 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas more than 27 percent of school children enrolled in Catholic schools are from minority backgrounds, and nearly 14 percent are non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated: ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.''; and

Whereas January 29 to February 4, 2006, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 657.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 657 offered by the gentleman from Minnesota. This resolution increases the awareness of Catholic education while honoring the contributions of America's Catholic schools.

January 29 through February 4, 2006, has been designated Catholic Schools Week, an annual tradition in its 32nd year and jointly sponsored by the National Catholic Education Association, as well as the United States Conference of Catholic Bishops.

With this resolution we recognize the vital role Catholic elementary and secondary schools play in providing a values-added education with high standards of quality and excellence to the over 2.4 million students enrolled in Catholic schools across the country. In just my home State of Delaware, there are over 30 Catholic schools.

According to the U.S. Conference of Catholic Bishops, Catholic schools have a graduation rate of over 98 percent, and about 97 percent of Catholic high school graduates go to postsecondary training at 4-year colleges, community colleges or technical schools. This success could be also attributed to the importance Catholic educators place on character and morals. By making the development of moral and social values an integral part of the curriculum, Catholic schools are ensuring that their students are not only good academically, but also good citizens.

The theme for Catholic Schools Week 2006 is ''Character, Compassion, Values.'' This theme resonates with the Catholic schools this academic year in particular. Catholic schools demonstrated an enormous amount of character and compassion in their response to the devastating hurricanes that hit the gulf coast last year. In the wake of this national disaster, more than 300,000 students were displaced from their homes, schools and communities. Catholic schools opened their doors and hearts and welcomed these students into their classrooms. They provided these children with the opportunity to continue their studies without stopping to consider how to cover the costs of that education. Instead, the Catholic schools knew their first priority was to educate these children, and, second, figure out how to cover the greater costs they incurred.

In addition, the Catholic schools in New Orleans proved to be the most resilient by becoming some of the first schools in the hurricane-damaged area to reopen their doors to students.

I appreciate the great work being done by Catholic schools, their administrators, and teachers, as well as their parents and volunteers. Catholic schools carry out their servant mission by building the academic achievement, character, and values of their students.

I again commend the gentleman from Minnesota (Mr. KENNEDY) for introducing this resolution, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution recognizing the contributions Catholic schools make to our society.

Both public and Catholic schools provide a strong foundation for our Nation's children. While our public schools educate the vast majority of our children, our Catholic schools provide an excellent and enriching alternative.

I have attended Catholic schools myself. I received a high-quality education from these schools and have benefited greatly. Sister Jean and Sister Jerome taught me to read and master phonics. Sister Hilary taught me Latin, which I in turn taught also. They were the greatest influence outside of my family. They not only challenged me intellectually, but forced me to examine my own personal formation.

At St. Mary's I learned the greatness of God and the dignity of humanity. In Congress, my basic principle is that government's role is to promote, protect, defend and enhance human dignity. I examine every bill on these principles of human dignity that I learned at St. Mary's. Children across America have benefited from the same positive influence a Catholic education had on me. H. Res. 657 recognizes and celebrates our Catholic schools for this contribution.

I believe that one of the greatest aspects of the American education system is its diversity. The goal of American education is to provide anyone with the opportunity to succeed. Catholic schools are a critical part of that equation, teaching critical values and providing their students with beneficial and life-enriching experiences.

The contributions which Catholic schools make to our Nation and our children strengthen our society and our place in the world. Our children have more opportunities because both Catholic and public schools can provide them with a high-quality education. Together these two sectors of our education system will work to ensure our excellence in the world.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. KENNEDY), the sponsor who has undertaken to pursue this resolution.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from

Delaware and the others who are speaking on behalf of this resolution. I am pleased to be here to honor the contributions of Catholic schools.

My first real encounter with Catholic elementary and secondary students was my interaction with graduates from Catholic schools that I met at St. John's University. These students impressed me. They were not only well prepared for college, but they were courteous, kind, respectful, caring and friendly to me. They say you can tell a tree by its fruit. By this measure I assume Catholic schools must be great.

I remember a conversation I had while in college with a few graduates of Catholic high schools reminiscing on their high school experience. One of these students was so cynical about his Catholic education that I resolved never to send my children to Catholic schools. Well, it turns out the cynical student became a priest, so I changed my mind. Catholic schools really do nurture one's faith.

My wife Debbie and I have four wonderful children. They have been able to experience the best of both worlds. They all graduated from Watertown Mayer Public Middle School, and they all chose to attend Catholic high schools, not just to get a great education, but to be able to talk about how God influences history and the world around us.

We are pleased to see that they have been nurtured in the Catholic spirit of helping others. They participate in many programs to help those in need. For example, my daughter Emily organized a food drive for Mary's Place, an outreach center for the needy, while she was at Holy Family Catholic High School. She collected enough food from her fellow students to fill up a van and feed many in need.

I have so much faith in Catholic schools because they consistently provide a great education for 2.5 million students across America and have a student-teacher ratio that averages 15–1.

I can attest to the quality education with two of our children now attending the University of Notre Dame. Catholic schools have done an extraordinary job of reaching out to the disadvantaged youth throughout our country. More than 27 percent of students enrolled in Catholic schools are from minority backgrounds, and nearly 14 percent of them are non-Catholics.

Mr. Speaker, Catholic schools make fantastic contributions to education in this country, but every school must recognize that there is more that can be done. Well, at St. John's Prep my son's physics teacher was a former engineer at 3M. My son, his classmates, and likely hundreds or thousands of other students were not only able to benefit from his invaluable real-world experience, but they also gained an understanding of the success that can be achieved by those who study math and science.

That is why I introduced the Teachers for Tomorrow's Career Act, H.R. 4622, with my Democrat colleague, the gentleman from New Jersey (Mr. HOLT). This legislation will bring down barriers so that math and science professionals can make the transition into teaching and offer real-world experience to the critical task of teaching math and science to our children.

The Kennedy-Holt legislation goes a long way toward fulfilling President Bush's new proposal of bringing 30,000 math and science professionals to teach in our classrooms, and make sure our children are competitive in the 21st century no matter what kind of school they attend.

Mr. Speaker, last week was Catholic Schools Week. The theme was ''Catholic Schools: Character, Compassion, Values.''

I urge my colleagues to join Mr. LIPINSKI and I in supporting this resolution to commend our Catholic schools and their teachers, the parents, and religious communities that support them in their service to our Nation's youth.

Mr. KILDEE. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of H. Res. 657, honoring National Catholic Schools Week and the tremendous contributions that Catholic schools have made to our country.

Since 1974, Catholic Schools Week has celebrated the important role that Catholic schools play in American education, and their excellent reputation for providing a strong academic and moral education, as well as teaching social responsibility.

□ 1545

This year's theme of Catholic Schools Week is: ''Catholic Schools: Character. Compassion. Values.'' These words embody the mission of Catholic education beyond providing top-notch academic training. Compassion is at the heart of the Catholic faith. It teaches so many young men and women the strength of character and the strong convictions that they need to be successful adults and to contribute to our society.

My wife and I are each products of 12 years of Catholic elementary and secondary school: my wife in Johnstown, Pennsylvania, at Saint Patrick's grade school and Bishop McCourt High School; myself in Chicago at Saint Symphorosa Grammar School and Saint Ignatius College Prep. Like so many others, I understand how important Catholic schools are in providing a spiritual, moral, and intellectual foundation. My 12 years of Catholic education provided me with the knowledge, discipline, and the love of learning that enabled me to go on and earn my Ph.D. and become a teacher before I came to Congress.

As we recognize Catholic Schools Week, we must pay special tribute to the dedicated teachers and administrators who sacrifice so much, usually getting paid less than they could elsewhere, to dedicate their lives to teaching at Catholic schools. I have fond memories of my teachers, who taught me not only the value of a good education but also the values of faith and service. Although it was almost 35 years ago, I can still remember Sister Mildred, my first grade teacher; Miss Ivers, my second grade teacher. And the memories go on.

I will never forget Sister Diane, who was my student congress coach when I was in high school. To this day, when I speak in front of crowds, I still envision Sister Diane sitting there, nodding, giving me confidence when I was a nervous young kid trying to make my first public speeches. I related these memories while attending a celebration at Saint Richard's School last week. After the celebration, many people came up to me with similar memories, memories of teachers who gave their heart and soul and made such a big difference in the lives of their students.

To thank these men and women and their tireless contributions and service, I held a breakfast last week at Saint Lawrence High School during Catholic Schools Week. We talked about the successes of Catholic schools and also the challenges that they face. Nationally, more than 2.4 million young people are enrolled in nearly 8,000 Catholic schools. These schools have more than 160,000 full-time professional staff, boasting a student-teacher ratio of 15–1.

The Chicago archdiocese has had one of the most successful school systems. Today, more than 106,000 students attend 276 schools. In my district alone, there are 34 grammar schools and five high schools. The success of students in the Chicago archdiocese is phenomenal. The high schools have an amazing graduation rate of 99 percent, and about 95 percent of those graduates go on to college. This is clearly a record to be proud of.

Mr. Speaker, as an important complement to our public schools and other private institutions, Catholic schools contribute a great deal to America. They have made a big difference in my life and a big difference in the lives of countless others. They deserve our praise and our support; and I urge my colleagues to pass this resolution, the Kennedy resolution, honoring Catholic schools during this Catholic Schools Week.

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pittsburgh, Pennsylvania, who turns out to be a Pittsburgh Steelers fan, which is a real insult to Philadelphia Eagles fans like myself.

Ms. HART. Mr. Speaker, I also rise in support of this resolution recognizing Catholic schools throughout the country. In particular, I would like to recognize those in the Fourth Congressional District of Pennsylvania, with several of whom I celebrated National Catholic Schools Week.

National Catholic Schools Week is an annual celebration, as mentioned by my colleagues; and I am very pleased to have been a part of it in the communities I represent. It is inspiring to see the students focus, students who are very lively, normal students, but who also focus on service and on faith and on commitment.

The young people that I encountered last week were just like any other student, but in one way very different. They were able to express for me their moral commitment to service, their commitment to their fellow man in a way that obviously is a further expression of their faith. These are the students who I expect will grow up to be public servants in the future, to be the teachers of the future, to be those who become missionaries in the future, and those who will make our world a better place.

I know firsthand the benefits of a Catholic education that emphasizes that intellectual, spiritual, moral, physical and social values in students, having attended Saint Richard's School in North Olmstead, Ohio; St. Mary's in Glenshaw, Pennsylvania; and finally graduating from the sixth grade at Saint Alexis in Wexford, Pennsylvania, which is currently my parish.

I have also had the opportunity, as I mentioned earlier, of visiting many schools throughout the six counties I represent in Pennsylvania District Four. One thing I learned when I was a State senator was that these schools not only provide all of these advantages for students but they provide a significant advantage to the taxpayers of the Commonwealth of Pennsylvania. For every student who attends a Catholic school, the taxpayers of the commonwealth save a significant amount of money that would have been spent in the public school system. So financially, a benefit; socially, a benefit.

I congratulate the Catholic schools, the teachers, and the parents for sending their kids to these schools and making the United States's future much brighter.

Mr. KILDEE. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Michigan for yielding me this time, and I rise to recognize the contributions of Catholic schools to Chicago and to the Nation.

Children all across America have benefited from Catholic education. I applaud these schools for their long commitment to education, to a value system and character development, and to developing the kind of lifestyles that students as well as adults need to seek.

There are almost 8,000 Catholic schools nationwide. Illinois is one of the 10 States with the highest enrollment of Catholic students, with over 181,000 students in 538 schools in the State. In Chicago, as in other urban areas, Catholic schools play an important role in providing quality academic training for children and youth.

Indeed, the archdiocese of Chicago is the second largest Catholic school system in the Nation. There are 34 outstanding Catholic schools in my congressional district, and I recognize all of them as being outstanding, as a matter of fact, some of the very best schools in the Nation, such as Saint Ignatius Prep, known nationally as an outstanding school. But all of them are outstanding schools. They do an exceptional job.

Catholic schools, however, like all other components of education, Mr. Speaker, are facing difficult times. And almost every time I meet with residents and students and staff, we are all trying to figure out how do we keep the resources available to keep these educational institutions intact. So I would hope that as the year goes on and as we discuss and debate education, that we will find ways to put as much resources into education as we possibly can, knowing that the investment will pay off in the end.

Again, I salute the Catholic schools for their outstanding contributions, and I would like to recite for the RECORD those in my district, which are as follows:

Chicago Jesuit Academy, Divine Infant Jesus School, Divine Providence School, St. Bernardine School, St. Edmund School, St. Jerome School, St. Stanislaus Kostka, St. Elizabeth School, St. Helen School, Children of Peace School, Santa Lucia School, St. Pius V School, St. Therese School, Visitation School, St. Domitilla School, Ascension School, St. Giles School, St. Luke School.

St. Vincent Ferrer School, Old St. Mary's, St. Angela School, St. Malachy School, St. Nicholas Cathedral, San Miguel-Comer Campus, Frances Xavier Warde, Our Lady of the Westside, St. Catherine/St. Lucy, Immaculate Conception School, Archbishop Quigley Preparatory, Fenwick High School, Holy Trinity High School, St. Ignatius College Prep., St. Joseph High School, Trinity High School.

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), alas another Steelers fan.

Mr. MURPHY. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased to join my colleagues in support of this resolution to recognize the students, teachers, faculty, and graduates of Catholic schools. At Catholic schools across my State of Pennsylvania and the Nation, students will receive the highest-quality teaching in all academic subjects. But perhaps more important, beyond reading, writing, and arithmetic, students will be exposed to well-rounded, values-based curricula that teach the mind, the heart, the body, and the soul. Indeed, Catholic schools don't shy a away from matters of right and wrong.

The late Pope John Paul II, himself a great advocate for education, challenged Catholic schools to ''foster in your students a social consciousness which will move them to meet the needs of their neighbors and to discern and to seek to remove the sources of injustice in society.'' I believe Catholic schools do promote social awareness and help make the world a better place to live.

Last week, as we know, was Catholic Schools Week, and the theme was ''Catholic Schools: Character, Compassion, and Values.'' As a young student at St. Barnabas Elementary School myself and Walsh Jesuit High School, I was taught these traits at early ages. I greatly value my Catholic school education, as I do my public school education.

The 18th Congressional District of Pennsylvania has this diversity of many Catholic schools, 67 in Allegheny County alone, five in Washington County, 19 in Westmoreland County. With over 183,000 students educated in Catholic schools across the Commonwealth of Pennsylvania, the impact is huge. Eighty percent of Catholic school students go on to college, and Catholic schools saved more than $1 billion last year in taxpayer funds in Pennsylvania alone by a reduction of the dropout rate to less than 3 percent.

Mr. Speaker, I am pleased to be a cosponsor of this legislation. I commend the authors and all those who teach and are students of Catholic schools.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, as the National Conference of Catholic Bishops once stated, ''Education fosters the dignity of a person and the building of a community.'' Today, I am honored to thank my friend, Congressman MARK KENNEDY, for his leadership in recognizing America's Catholic schools for their continued commitment to education, and I appreciate Congressman MIKE CASTLE for his managing of the resolution.

I know firsthand of the effectiveness of Catholic schools from my school visits in the Second District of South Carolina to the elementary schools of St. Mary Help of Christians in Aiken; St. Peter in Beaufort; St. John Newmann of Columbia; and St. Joseph of Columbia, where I have two godsons, Jackson Gossett and Joseph Fisera; St. Martin DePorres of Columbia; St. Peter of Columbia; and additionally, St. Francis by the Sea of Hilton Head Island, along with Cardinal Newman High School in Forest Acres, South Carolina.

□ 1600

For generations these schools have served as an origin of opportunity for millions of Americans by teaching a broad, values-added education. Catholic schools play a pivotal role in helping American children develop into responsible and productive members of

society. Today, almost 8,000 Catholic schools are educating nearly 2.5 million students. Because of their excellent curriculum and strong emphasis upon values, these schools consistently outperform other public and private schools. Ninety-nine percent of Catholic high school students graduate, and 97 percent attend some form of postsecondary schooling.

Catholic schools also serve willingly in our communities. After Hurricane Katrina and Hurricane Rita, Catholic schools in almost every State graciously welcomed displaced children from devastated areas without charging them for tuition, uniforms, books and supplies. Their recent generosity is simply another example of Catholic schools faithfully following the Gospel message. As we celebrate Catholic Schools Week, I join my colleagues in supporting the resolution expressing our sincere appreciation for America's Catholic schools.

In conclusion, God bless our troops. We will never forget September 11.

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to reclaim the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time and for offering this resolution recognizing the contributions of Catholic schools to our communities and to our Nation, and join in the remarks of those who have spoken before me on this measure.

Clearly, as we travel our congressional districts and we recount our own life experiences with Catholics schools, both in attending them and in interacting with them in our congressional roles, the magnificent and incredible contribution they make to our communities and to building the lives of young people in the fullest sense of the word, not just the academic performance of these young people, but the efforts that they make to integrate them into the community in terms of community service and building their character and building their moral values and building their recognition of the community in which young people live, and the diversity of that community and understanding the need to be accepting of that community, these are characteristics, these are values, these are principles that we hold dear as a Nation, and Catholic schools have been fundamental to building those within the young people that attend these schools.

I had the honor of attending Catholic high school, but only for 1 year, Bellermine High School in San Jose, and I just wanted to express my support of this resolution and the continuation of the contribution of Catholic schools to our Nation's education system and the character-building of our young people.

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today to lend my support to House Resolution 657, which honors the contributions of Catholic schools on America's youth, and more than this, their contribution in enhancing the social framework of our Nation.

Mr. Speaker, 25 years ago President Reagan's Secretary of Education, Secretary Bennett, remarked that during the first 150 years in the history of this Nation, that education was not just about the development of the mind, it was also considered to be the architect of the soul, and Catholic schools have never forgotten that second, most important, part of the mission of education.

As someone who has benefited greatly from Catholic education, I can say unequivocally that the values taught to me by the Catholic school system prepared me for the challenges and the opportunities I have met during my lifetime. My Catholic education prepared me to stand up and make the hard decisions in life with the comfort of having complete confidence in who I am as a person, and the deep understanding of human dignity that is so easily forgotten in today's overly commercialized, media-driven society.

My education taught me the value of developing not only my mind, but my commitment to my family, my community and my faith. The sisters, priests and teachers of Bishop Egan High School in Fairless Hills, Pennsylvania, and my professors at St. Thomas University in Florida helped me develop those core values, and for that I will be forever in their debt. Therefore, I call on my colleagues to join with me in strong support of this resolution, to show their support for Catholic school systems, educators, students, and contributors.

Mr. PASCRELL. Mr. Speaker, I wish to submit these comments for extension of remarks.

I would like to speak in strong support of H. Res. 657, a resolution honoring the contributions of Catholic Schools and thank Mr. KENNEDY for his good work.

As a proud graduate of St. George's Elementary School, St. John the Baptist High School, and Fordham University, I know firsthand the great value of a Catholic School education.

Catholic school has been a longstanding tradition in my family. My three sons graduated from Catholic schools prepared for the challenges they have faced in their professional and personal lives.

As we celebrate the 32nd Annual Catholic Schools Week, I am proud to report that Catholic schools continue to play a vibrant and integral role in the educational and cultural life of our Nation.

Today, nearly 2.5 million children attend Catholic elementary, middle and high schools. Minority enrollment is nearly 30 percent and non-Catholic enrollment is over 13 percent of the total.

There are nearly 400 Catholic schools in my home State of New Jersey alone, serving nearly 130,000 students, and many of these schools serve our urban districts.

Impressively, the student/teacher ratio in Catholic schools is 15:1, a ratio which provides teachers the opportunity to truly get to know the individual needs and strengths of the student body.

Catholic schools provide a disciplined, multifaceted educational experience for children.

A Catholic education merges critical thinking and knowledge-based learning with a spirit of tolerance, empathy and service to others. This unique approach is exemplified in the theme of this year's Catholic Schools Week: Character. Compassion. Values.

Teaching students to serve their communities and to develop fundamental human values enhances self-esteem and enthusiasm, brings abstract subjects to life, and empowers students to think about worlds beyond their own.

It may also have a significant salutary effect on academic performance. Recent studies have demonstrated that Catholic students consistently perform up to a very high standard on tests assessing reading, writing, math and science abilities.

What transpires during the education of each and every child has repercussions beyond the classroom: It will shape the character of the country that we will become.

That is why I would like to thank the Catholic Schools of America for the tremendous success they have had in producing a student body well educated and well prepared to take an active role in strengthening our society.

This is perfectly illustrated in the generous response that Catholic schools students have had toward students devastated by the recent hurricane in Louisiana, Mississippi, and Alabama.

Catholic students delivered more than $1 million to Katrina students and opened their hearts and schools to thousands of victims. After the hurricane, New Orleans, with its deep Catholic roots, had 52,000 displaced students enroll in Catholic schools around the Nation, and Biloxi and Mobile had thousands more.

This is only one example of the contributions that Catholic Schools are making to our society. I am pleased to add my voice to the chorus of those who celebrate and honor the achievements of these valuable institutions.

Mr. FOLEY. Mr. Speaker, I rise to recognize the importance of America's Catholic schools and share my support for House Resolution 657.

As a product of Sacred Heart School in Lake Worth, Catholic parochial education was a major part of my life and that of my family. My father first attended Sacred Heart himself as a teacher and then moved on to Cardinal Newman High School to work as coach and science teacher.

At Sacred Heart, I was taught how to be a better citizen because of their focus on discipline and moral values. I often fall back on lessons learned during my formative years—especially in the case of November 22, 1963. I was in 4th grade and our teachers asked us to pray for our Nation and for our assassinated President. Though the shock of the

tragedy could have easily given way to anger among the faculty at Sacred Heart, it instead encouraged us to focus on a compassionate tone by praying for our country and the Kennedy family.

I am and have always been a strong proponent of public education. But by the virtue of its very nature—publicly funded schools cannot offer the type of spiritual education that Catholic schools have long provided. In search of a complete education with the ideals of trust, faith, understanding and compassion, many families are turning to the structure, discipline and academic standards of Catholic schools. Parochial schools in the United States are also responsible for educating students from a wide range of ethnic backgrounds, including many who are non-Catholic.

I think one of the unique aspects of Catholic school education is the opportunity to care for the material and intellectual needs of the child in a community atmosphere. By offering an education centered on values, the faculty in Catholic schools can create an interactive setting between parents and students that is geared toward long-term healthy character and scholastic development for all enrolled children.

Please join me and my colleagues as we celebrate the contributions of Catholic schools following National Catholic Schools Week.

Mr. REYES. Mr. Speaker, I rise today in support of H. Res. 657, a resolution honoring the contributions of Catholic schools across America, including those in my congressional district of El Paso, Texas.

On September 21, 2005, with representatives of the school watching from the House gallery, I proudly rose to recognize the 80th anniversary of Cathedral High School in my district. Cathedral and other Catholic schools in El Paso and throughout our country offer a quality education and produce men and women committed to a broader idea of learning—one that extends beyond just textbooks.

Catholic schools offer—in more than one sense—a value-added approach to education. They instill in their students a moral compass, a sense of purpose, and a commitment to service. Indeed, many of the men and women who inspired me to spend my life in public service were themselves encouraged to enter that field by the virtues conveyed through Catholic education. I count among that group Ambassador Raymond Telles, the first Hispanic mayor of El Paso, an American ambassador, an advisor to presidents, and a man whose success in life was built in large part upon the ideals he learned at Cathedral High School.

Today, Catholic schools teach 2.5 million young Americans, almost 15 percent of whom are not Catholics. This resolution reaffirms the House of Representatives' support for the countless Catholic school teachers and administrators who dedicate their lives to a particular vision of education, and for the values of love, charity, and hope that are tenets of a Catholic education.

Again, Mr. Speaker, I wholeheartedly support H. Res. 657 and urge my colleagues to join me in voting in favor of this important resolution.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H. Res. 657. This resolution honors the contributions that Catholic schools make to our communities and, in particular, recognizes the annual Catholic Schools Week, celebrated from January 29–February 4 this year. I thank Mr. KENNEDY of Minnesota for introducing H. Res. 657, for recognizing Catholic Schools Week, and for his ongoing support for Catholic schools nationwide.

Catholic Schools Week is an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops. Honored during the Week are Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education. The Catholic schools community has a significant role in promoting and ensuring a brighter, stronger future for our communities, our country and, most of all, for our children.

Guam's association with the Roman Catholic Church dates back to Ferdinand Magellan's arrival on our island in 1521. Guam became an important port-of-call along trade routes through the Pacific sailed by Spanish Galleons. Padre Diego Luis de San Vitores, a Spanish Jesuit missionary, arrived in Guam in 1662 during his journey from Mexico to the Philippines. Padre San Vitores vowed to return to Guam upon leaving the island.

Three years later, through his close ties to the royal court, he persuaded King Philip IV of Spain and Queen Maria Ana of Austria to order the establishment of a Catholic mission in Guam. Padre San Vitores established a mission in the village of Agaña which later became the site of the island's first Catholic Church. It is now the seat of the Metropolitan Archdiocese of Agaña, canonically erected in 1911, elevated to a Diocese in 1965—300 years after Padre Diego Luis de San Vitores kept his promise to return to the island. The Diocese was further elevated in 1984 to a Metropolitan Diocese. Today it enjoys a congregation of 101,000 strong throughout Oceania.

The Roman Catholic faith grew strong on Guam over the years. This strength is represented in the quality of Catholic school education on the island. Our island has four nursery schools, six elementary and middle schools, and three high schools that teach the Catholic faith in addition to academic curriculum.

The Catholic school tradition on Guam began with Bishop Appollinaris Baumgartner. He recognized our island's need for quality education inspired by the Catholic faith. In 1946, he invited the Three Sisters of Mercy from North Carolina to Guam. They established The Academy of Our Lady, the first all girls' Catholic high school on Guam. This school remains in operation today. Also, Bishop Baumgartner invited the School Sisters of Notre Dame of La Crosse, Wisconsin to come to Guam in 1949. Soon after arriving on the island the Sisters founded Notre Dame High School, a Catholic co-educational high school. Notre Dame High School also remains operational today. Father Duenas Memorial High School is the third Catholic high school on Guam. Its namesake, Father Jesus Baza Dueñas, was executed on July 11, 1944, by the Japanese forces occupying Guam. Father Dueñas, a resistance figure on the island, was executed along with his nephew because he would not betray the location of an American sailor hiding on the island. Father Dueñas Memorial High School continues his legacy of courage and integrity. All three schools offer rigorous curricula to prepare students for college while instilling strong moral values and an understanding of the Catholic faith.

Bishop Baumgartner initiated a strong tradition of Catholic elementary and middle school education on Guam, as well as providing advanced theological study opportunities for the island's faithful in minor seminary.

Bishop Baumgartner's legacy of shaping the character of Guam's faithful by promoting Catholic education opportunities on the island was continued by Archbishop Felixberto Camacho Flores, Guam's first Chamorro Bishop, when he became Titular Bishop of Stonj in 1970. The number of Catholic schools on Guam increased under his leadership. He expanded their programs and improved school facilities.

Today, the Roman Catholic Archdiocese of Agaña remains committed to serving the people of Guam. Under the direction of the Most Reverend Anthony Sablan Apuron, OFM Cap, DD, Metropolitan Archbishop of Agaña, Catholic educational institutions on Guam provide quality academic instruction to students. The contributions of the Catholic school system to the people of Guam are reflected in our local leaders in the clergy, government, and private-sector who are alumni of the Catholic schools. The dedication shown by the Archdiocese of Agaña to the quality of Catholic school education on our island strongly reflects the theme for Catholic Schools Week: Character. Compassion. Values.

Guam has a long history of Catholicism and enjoys a strong tradition of educational institutions grounded in the teachings of the Catholic Church. I recognize and commend the Catholic schools in Guam for their commitment to instilling the principles of academic rigor, sound moral values, and respect and understanding for the Catholic faith in our children's daily lives. In honor of Catholic Schools Week, I want to recognize dedication and achievements made by the students, parents, teachers and administrators of Catholic schools in Guam and across the Nation. Their contributions to our society, both inside and outside of the classroom are significant. It is my hope that the tradition of Catholic schools education on Guam and around the United States will remain strong for generations to come.

Mr. AKIN. Mr. Speaker, I rise today to join my colleagues in honoring the important role that Catholic schools play in educating the children of America, including in my hometown of St. Louis. Catholic schools not only teach our kids how to think, but also teach them how to live.

Catholic schools have always been known for their high academic standards and excellent teachers, but I would like to draw your attention to their ability to provide more than just an excellent academic education. The Catholic schools in my district are a perfect example of this—providing children from a young age with a moral foundation which leads them to serve their community through out their lives.

It was strong religious and moral beliefs that drove our Nation's Founders to develop a country where individual freedom is coupled with individual responsibility. Catholic schools across our great Nation continue to produce students who understand their responsibility and act accordingly. The values imparted and the strong faith that Catholic schools develop in their students produces citizens who understand the importance of service and diligently work for the good of our country.

I am honored to represent a district where numerous Catholic schools provide a rigorous academic education and a moral compass to guide students through their lives. Catholic schools in Missouri's Second Congressional District and throughout the St. Louis region produce well-rounded and morally grounded members of our community. The teachers, administrators, parents, and students of Catholic schools deserve this recognition for the tremendously positive impact they have on our Nation. These schools will continue to play a significant role in developing responsible American citizens for our future generations.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H. Res. 657, a resolution honoring the contributions made by Catholic schools nationwide. These schools provide students with an education that instills a lifelong development of moral, intellectual, and social values in America's young people.

Our Nation's Catholic schools provide excellent opportunities for learning. Today, nearly 50 percent of students enrolled in U.S. private schools attend Catholic schools. In Connecticut, over 39,000 students are enrolled at 148 Catholic schools throughout the State. Catholic schools provide educational opportunities to a broad cross-section of our society. With over 7,000 schools and current matriculating classes of greater than 2.5 million students, it is estimated that about 27 percent of students enrolled are minorities. Catholic schools also encourage greater levels of student-teacher interaction through their small class-size ratio. The 160,000 faculty that teach at these schools provide students with both an intellectually stimulating and values-based education.

As a former student of St. Rose's School in East Hartford, Connecticut, I would like to praise the outstanding efforts of the Sisters of Notre Dame for providing students with strong academic and moral values. The Catholic education I received at St. Rose's School has guided me throughout my career in public service. At St. Rose, I was taught the valuable lessons of good works toward others and society's special obligation to consider first the needs of the poor. The Catholic teachings have given me a valuable framework for life, and have enabled me to achieve personal and professional goals.

Again, I am proud to support H. Res. 657. As we celebrate Catholic Schools Week, we must honor the role these schools play in promoting and ensuring a brighter, stronger future for this Nation. I am proud that these schools continue to nurture students dedicated to their faith, to their values, to their communities and to their families. These schools develop the leaders of tomorrow with effective leadership and character.

Mr. BOUSTANY. Mr. Speaker, I rise today as a proud cosponsor of H. Res. 657, a resolution to honor the contributions of Catholic schools and recognize Catholic Schools Week. I want to thank my colleagues on the Education and the Workforce Committee as well as the sponsor of this resolution, the gentleman from Minnesota, Mr. KENNEDY, for their work.

Like many of my colleagues, I too am a product of Catholic schools. My upbringing is a testament to the quality education and dedicated efforts of Catholic educators to produce students, whether they are Catholic or not, dedicated to improving themselves, their community, and our Nation.

At Cathedral Carmel School in Lafayette, Louisiana, I developed a lifelong love of learning and reading. Through college and medical school, the lessons I learned in high school helped me to work through classes and assignments. Even throughout my professional career as a heart surgeon and now in Congress, I find myself relying on the personal development and classroom lessons from high school.

The Seventh District of Louisiana contains a strong Catholic school system; and I have met with many students, parents, and educators who believe these schools are helping to create students and young adults who will stay in Louisiana and become productive members of our community.

As we recover from the devastating effects of Hurricanes Katrina and Rita, Louisiana Catholic schools have played an integral role in our relief and recovery, taking in thousands of displaced students. Keeping our students in Louisiana is a big part of restoring our state's economy. These young adults provide entrepreneurship, creativity, workforce, and ingenuity to build businesses and create jobs.

Again, I congratulate the Catholic schools of our great Nation and look forward to continuing to support them in my community and in Congress.

Ms. PELOSI. Mr. Speaker, President John F. Kennedy said in his Inaugural Address: "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth, God's work must truly be our own." I rise today to thank our Catholic schools for doing God's work here on earth for generation after generation.

More than 163,000 educators teach in nearly 8,000 Catholic schools in America, and they educate nearly 2.5 million students every year. My husband and I and our five children have attended over 100 years of Catholic school education. Needless to say, we support our Nation's Catholic educational system.

I can tell you firsthand that Catholic schools provide exceptional education. They contribute to a student's intellectual, ethical and spiritual development. As a devout Roman Catholic and the product of Catholic schools, I rely every day on the values and the sense of responsibility that were deepened for me by my Catholic education.

The theme of this year's Catholic Schools Week is "Character. Compassion. Values." Education is about more than reading, writing, and arithmetic, although it's certainly about that. But it is also about teaching each child to live and work with integrity and in a way that serves others.

My Catholic education helped me appreciate that we all contain a spark of divinity, to recognize that spark of divinity in every person, and to respond to that spark with humility and awe, even when it's found in "the least of these."

Catholic schools teach their students that our personal faith means public obligation. Simply put, faith means we have work to do. My Catholic education taught me that to minister to the needs of God's creation is an act of worship. To ignore those needs is to dishonor the God who made us. That lesson should inform every debate we have here in Congress, whether it is education, health care, job creation, or the budget, which should be a statement of our national values.

Our Catholic schools truly do God's work here on earth, and they deserve our Nation's gratitude. I join my colleagues in thanking all of the teachers, parents, and students of Catholic schools who bring our Nation closer to the "beloved community" it was meant to be.

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize the Catholic schools of Pittsburgh. Catholic schools around the country will celebrate National Catholic School's Week from January 29 until February 4, 2006.

National Catholic School's Week is a week to promote Catholic schools. Every year there is a theme for the week, and schools hold special events for the students and their families. This year about 8,200 schools nationally will be participating in and celebrating the theme, "Catholic Schools: Character, Compassion, Values."

I ask my colleagues in the United States House of Representatives to join me in honoring National Catholic School's Week. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute the Catholic schools of Pittsburgh.

Mr. SMITH of New Jersey. Mr. Speaker, I would like to express my strong support for H. Res. 657, a resolution recognizing the valuable contribution of Catholic Schools.

Last week marked the 32nd annual Catholic Schools Week, a week dedicated to honor the achievements and successes of Catholic Schools throughout the U.S. More than 2.4 million children are enrolled in the 7,799 Catholic schools in our country. In addition, 720,000 students are enrolled in the 212 Catholic Colleges and Universities nationwide.

In my home State of New Jersey, 129,232 students are enrolled in Catholic Schools. In fact, New Jersey has the sixth largest enrollment of students in Catholic Schools out of all 50 States.

Of course, children do not form their core values on the sole basis of what schools teach them. Learning a respect for life and respect for the rights of others is not the purview of schools alone; it begins and is nurtured in the home. Accordingly, the Catholic school curriculum recognizes parents and family as primary educators and seeks to foster a shared vision between the school and family. As the father of four children who have attended Catholic schools, I know that Catholic school educators strive to work hand-in-hand reinforcing family values, ethical behavior, social responsibility, and academic achievement.

Placing a premium on both academic standards and moral responsibility has proven to be a successful formula for Catholic Schools. Catholic Secondary Schools have a 99 percent graduation rate and moreover, 97 percent of graduates continue their education.

Learning in a religious setting is not for everyone and America's public school system is critical to providing educational opportunities for all. We must continue to vigorously support our public schools at both the federal and local levels. At the same time, however, we should support those who seek the benefits of Catholic school and choose a religious setting as the best educational environment for their children. The contribution of Catholic schools to our Nation extends beyond the classroom. Catholic elementary and secondary schools save the government and taxpayers of the U.S. up to $20 billion a year.

In effect, parents of Catholic school children pay twice—they pay their fair share of taxes necessary to support the public school system and they pay tuition at the school their children attend. In order to address this issue, I have introduced H.R. 441, the Education, Achievement and Opportunity Act. This bill provides refundable tax credits for the educational expenses incurred by parents for elementary and secondary school. Most significantly, the tax credit is used for private school tuition, however, it can also be used for other educational needs such as computers, tutoring or transportation fees. Thus, parents sending their children to public school can also benefit from this legislation.

A Catholic education challenges students through a combination of high standards, strong motivation, effective discipline and an emphasis on personal responsibility. It is an education that goes beyond preparation for a secular life; it is an education that prepares students for a Christian life.

Mr. Speaker, I ask that all Members lend their support to H. Res. 657, and pass it unanimously.

Mr. HOLT. Mr. Speaker, I rise in support of H. Res. 657, legislation that supports the goals of Catholic Schools Week, and acknowledges the crucial role that Catholic schools play in serving and strengthening our communities.

I am proud to be a cosponsor of this resolution. Catholic schools have an impact far beyond the confines of the classroom. Values such as devotion to faith, family, community, and character development, are the foundations of Catholic education. These values promote a respect for the dignity of individuals, and encourage outstanding civic participation.

Catholic schools are also scholastic standard bearers. With a student-to-teacher ratio of 15 to 1, they are committed to smaller class sizes. Smaller classes correlate with more accomplished students which in turn leads to the global competitiveness of American students in the 21st century.

In the 12th District of New Jersey, Catholic schools continue to work to serve communities. Corpus Christi School, a Catholic elementary school in the town of South River, at one time struggled to keep its doors open. However, through the efforts of concerned parents, alumni, and prodigious fundraising, the school was able to remain open. Corpus Christi now provides assistance to the whole community, offering a pre-kindergarten program for 3- and 4-year-old children. During Catholic Schools Week, Corpus Christi will be offering reduced tuition rates. Other schools in the 12th district will be celebrating Catholic Schools Week, including the Immaculate Conception in Spotswood, which will be using its activities to raise money for St. Jude's Hospital for Children.

These schools, and Catholic schools in general, advance ideals that we all hold dear. They enrich our communities, and I am proud to join with my colleagues in supporting this resolution.

Mr. SHAYS. Mr. Speaker, I rise in support of H. Res. 657 to honor the contributions of Catholic schools. Catholic schools provide students with a wonderful education and, in many cases, a quality alternative to overburdened public schools.

I am grateful for the work of the 39 Catholic schools which serve 10,395 students from diverse backgrounds, run by the Diocese of Bridgeport. These schools offer elementary and secondary education, as well as after-school programs. They provide a wonderful environment for learning and a strong sense of faith and discipline.

I commend the teachers, administrators, students and parents for their role in Catholic education, and the key role they play in creating a brighter, better-educated nation.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BONNER). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, H. Res. 657.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HONORING SACRIFICE AND COURAGE OF WEST VIRGINIA COAL MINERS

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (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, as amended.

The Clerk read as follows:

H. CON. RES. 331

Whereas coal generates more than half of domestic electricity, providing millions of Americans with energy for their homes and businesses;

Whereas West Virginia is the Nation's second largest coal producing State;

Whereas an average of 7,600 pounds of coal per person per year is used in the United States;

Whereas the United States has an estimated 275,000,000,000 tons of recoverable coal reserves representing about 95 percent of all fossil fuel reserves in the Nation;

Whereas coal continues to be the economic engine for many communities;

Whereas coal miners are among the most productive of all American workers, producing 7 tons of coal per miner per day, which results in coal consistently being the most cost-effective choice for generating electricity in the United States;

Whereas during the last century over 100,000 coal miners have been killed in mining accidents in the Nation's coal mines;

Whereas the Nation is greatly indebted to coal miners for the difficult and dangerous work they perform to provide the fuel needed to operate the Nation's industries and to provide energy to homes and businesses;

Whereas 13 West Virginia miners were trapped 260 feet below the surface in the Sago mine for over 40 hours following an explosion on January 2, 2006;

Whereas Federal, State, and local rescue crews worked relentlessly in an attempt to save the miners;

Whereas many residents of Upshur County, West Virginia, and the surrounding areas came together at the Sago Baptist Church to support the miners' families;

Whereas 12 miners, Thomas Anderson, Alva Martin Bennett, Jim Bennett, Jerry Groves, George Hamner Jr., Terry Helms, David Lewis, Martin Toler, Fred Ware Jr., Jack Weaver, Jesse Jones, and Marshall Winans, lost their lives on January 3, 2006;

Whereas only one miner, Randal McCloy, was safely rescued;

Whereas 2 West Virginia miners were trapped by a fire in the Aracoma Alma Mine on January 19, 2006;

Whereas Don Israel Bragg and Ellery ''Elvis'' Hatfield lost their lives in the Aracoma Alma Mine;

Whereas 2 West Virginia miners lost their lives in separate incidents in Boone County on February 1, 2006; and

Whereas Edmund Vance perished in the Long Branch No. 18 Mine and Paul Moss perished at the Elk Run Black Castle mine: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes Thomas Anderson, Alva Martin Bennett, Jim Bennett, Jerry Groves, George Hamner Jr., Terry Helms, David Lewis, Martin Toler, Fred Ware Jr., Jack Weaver, Jesse Jones, and Marshall Winans for their sacrifice in the Sago, West Virginia, coal mine;

(2) recognizes Don Israel Bragg and Ellery ''Elvis'' Hatfield for their sacrifice in the Aracoma Alma, West Virginia coal mine;

(3) recognizes Edmund Vance and Paul Moss for their sacrifice in the Boone County, West Virginia, coal mines;

(4) extends the deepest condolences of the Nation to the families of these men;

(5) recognizes Randal McCloy for his stamina and courage that enabled him to survive in severe conditions for over 40 hours;

(6) recognizes the rescue crews for their outstanding effort resulting in the safe rescue of Randal McCloy; and

(7) recognizes the many volunteers who provided support for the miners' families during the rescue operations.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. DRAKE).

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 331.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I rise today as the sponsor of House Concurrent Resolution 331 to honor the now 16

West Virginia miners who have lost their lives in coal-mining accidents this year.

I want to thank the Nation, I want to thank the Nation for their outpouring of concerns, prayers, and sympathy. You have fortified us as West Virginians.

On the morning of January 2, an explosion rocked the Sago Mine in Upshur County, West Virginia. Thirteen men were trapped 260 feet below the surface. One, Randal McCloy, suffered serious injuries resulting from a lack of oxygen, yet he miraculously survived. Twelve other miners, Tom Anderson, Alva M. Bennett, James Bennett, Jerry Groves, Junior Hamner, Terry Helms, Jesse Jones, Dave Lewis, Martin Toler, Fred Ware, Jackie Weaver, and Marshall Winans were killed in that tragedy.

Only 2 weeks later, another accident struck at the Aracoma Alma Mine in Logan County, West Virginia, taking the lives of Don Israel Bragg and Elvis Hatfield. Sadly, just last week, Edmund Vance and Paul Moss were killed in separate mining accidents in Boone County, West Virginia.

These men made the ultimate sacrifice doing a job that is vital to our Nation. Over 50 percent of America's electricity comes from coal, and our West Virginia veins run with an abundance of coal. Mining is the profession most closely identified with West Virginia, not only because of our State's abundant supply of the resource, but because of the character of our people. Coal is in our blood; whether we work in the mines or not, our heritage and our souls are coal-fired. West Virginians are proud and hard-working people with a deep devotion to our country.

Martin Toler, one of the Sago miners wrote to his family while he lay dying in the mine, and I quote, ''It wasn't bad. I just went to sleep. Tell all I see them on the other side. I love you.'' Simple, powerful words with great meaning. The valor of these miners is, in fact was, with them until the end.

The 16 miners who died over the past 5 weeks in our State mines knew the dangers of their work. They knew that over the past century over 100,000 men have lost their lives in coal mining, but they performed their jobs with reliability and a sense of duty to their families, indeed our country. Miners know just how important their jobs are. They know how important it is to our economy across the Nation, and they sacrifice for us.

Author Homer Hickam of Rocket Boys fame, who himself grew up the son of a West Virginia coal miner, wrote and delivered what I thought was an incredible eulogy to the Sago miners. He listed a philosophy of life that exemplifies coal miners and, I think, all West Virginians:

We are proud of who we are.
We stand up for what we believe.
We keep our families together.
We trust in God.
We do what needs to be done.
We are not afraid.

Most of the time we are not thinking of coal miners when we turn on the lights or sit down to watch television. It is easy to take for granted the constant supply of relatively inexpensive electricity we have in this country. It is easy to forget that somebody gave of themselves and risked injury or death to mine the coal that powers the Nation's economy.

Today in the wake of the terrible tragedy at Sago and the death of the miners at the Aracoma Alma and Boone County mines, we as a Congress pause to remember the coal miners. We remember their hard work and sacrifice. We remember that each one of these men was a husband, a grandfather, a father, a brother and a son, and we pray for each of their families as they cope with the loss of a loved one. And we pray for Randal McCloy, who, despite improvements, faces a long road to recovery from his injuries.

This resolution also stands to honor the mine rescue teams who were willing to sacrifice themselves to save others. Rescuers of Sago were eager to enter even before it was safe to do so. Once in the mine, these rescuers demonstrated tremendous courage. And without their work, it is doubtful that Randal McCloy would be with us today.

West Virginia's communities came together during these tragedies, as they always do, to support their friends and neighbors. You see, in West Virginia, we are all family with a special closeness and respect for one another.

During this time I sat and talked with the families at the Sago Baptist Church as we awaited news from their rescuers. The prayers and support of people from across the Upshur County area and the Nation was overwhelming at the church, and this resolution honors the commitment and friendship shown by these folks.

I know that this commitment of community and family not only occurred in Sago, about also in Logan and Boone Counties because, as I said, in West Virginia, we are family.

Through our sorrow, we recognize our duty to do our part to improve safety for our miners. Sixteen West Virginians have been lost this year. While this resolution honors their loss, their legacy must be safe mines. It is important that Congress, State governments, MSHA, mine operators, and miners themselves work in a concerted effort to improve mine health and safety.

The West Virginia delegation has introduced on a bipartisan basis the Federal Mine Safety Act of 2006. I hope my colleagues will support this effort to bring enhanced technology to the mines, improve rescue teams, and ultimately save lives.

We all recognize the dangers of the mining profession, but we must do everything in our power to make underground mining safe. I have seen the pain and suffering in West Virginia at Sago, Logan, and at Boone County, and I do not want to see that suffering again. We must act to prevent similar accidents.

May God bless the lost West Virginia coal miners and their families and friends.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentleman from California for yielding me this time, and thank him for his leadership and expertise in helping us on mine safety legislation.

Mr. Speaker, I rise and associate myself totally with the comments just made by the gentlewoman from West Virginia (Mrs. CAPITO), and I commend her for the very eloquent manner and touching manner in which those comments were made.

It is with sorrow that we rise today to express the heaviness in West Virginians' hearts. Grief hangs a misty veil across our mountains. Since just the beginning of this year, West Virginia has lost 16 brave coal miners in a nightmarish series of mine tragedies. Sixteen sons gone in the span of a month, 16 souls that too soon slipped the bonds of Earth. These were good and decent men, God-fearing men, brave citizens, caring fathers, loving husbands, loyal friends, and generous neighbors who worked hard to earn an honest wage. They walked in the wake of risk to provide for their families.

□ 1615

These were tough men, made strong not merely by the labor of digging coal, but also by the work of building a Nation.

Coal has long been the lifeblood of America's industrial engine. It has fueled our economic growth. It has reinforced our military might.

But none of this would be possible without the labor of coal miners, who have served our Nation quietly and faithfully for generations, but with precious little thanks. To these men, we owe so much.

Mr. Speaker, in the spirit of gratitude, I join with my West Virginia colleagues in offering this resolution and, again, commend the gentlewoman from West Virginia (Mrs. CAPITO) for bringing it to the floor. Today we celebrate the courage and stamina of Randal McCloy whose miraculous survival in the Sago mines was a glorious gift. We thank the teams of rescuers who in recent weeks have risked their own lives to save the lives of others in our coal fields. And we honor the memories of these 16 men: Thomas Anderson, Alva Martin Bennett, Jim Bennett, Jerry Groves, George Hamner, Jr., Terry Helms, David Lewis, Martin Toler, Fred Ware, Jr., Jack Weaver, Jesse Jones, Marshall Winans, the two from my congressional district, Don Israel Bragg, Ellery ''Elvis'' Hatfield, whose families I sat with for close to 40 hours in the Melville Freewill Baptist Church as we sang, as we prayed together for a miracle that never happened.

And to the latest two, also from my congressional district, Edmund Vance and Paul Moss. We honor their memories. These brave men have now joined the ranks of so many miners before them who went to their daily shift anticipating the warm and loving hugs of family at day's end, but who emerged instead into the outstretched arms of heaven. May God bless them, their families and their brothers and sisters, still in the mines, who continue to walk in the wake of risk in service to our great Nation.

Mr. Speaker, it is with sorrow that I rise today to express the heaviness of West Virginia's heart.

Grief hangs a misty veil across our mountains.

Since just the beginning of this year, West Virginia has lost 16 coal miners in a nightmarish series of mine tragedies; 16 sons gone in the span of a month; 16 souls that too soon slipped the bonds of Earth.

These were good and decent men—God-fearing men, brave citizens, caring fathers, loving husbands, loyal friends, generous neighbors—who worked hard to earn an honest wage.

They walked in the wake of risk to provide for their families. These were tough men made strong not merely by the labor of digging coal, but also by the work of building a nation.

Coal has long been the lifeblood of America's industrial engine. It has fueled our economic growth. It has reinforced our military might.

But none of this would be possible without the labor of coal miners who have served our Nation quietly and faithfully for generations, but with precious little thanks. To these men we owe so much.

Mr. Speaker, in that spirit of gratitude, I join with my West Virginia colleagues in offering this resolution.

Together we celebrate the courage and stamina of Randal McCloy, whose miraculous survival in the Sago mines was a glorious gift. We thank the teams of rescuers who, in recent weeks, have risked their own lives to save the lives of others in our coalfields.

And we honor the memories of these 16 men: Thomas Anderson, Alva Martin Bennett, Jim Bennett, Jerry Groves, George Hamner, Jr., Terry Helms, David Lewis, Martin Toler, Fred Ware, Jr., Jack Weaver, Jesse Jones, Marshall Winans, Don Israel Bragg, Ellery "Elvis" Hatfield, Edmund Vance, and Paul Moss.

These brave men have now joined the ranks of so many miners before them, who went to their daily shift, anticipating the warm and loving hugs of family at day's end, but who emerged, instead, into the outstretched arms of Heaven.

May God bless them, their families, and their brothers and sisters still in the mines who continue to walk in the wake of risk in service to our Nation.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

This year, 21 miners have lost their lives in mining accidents. Our thoughts and prayers are with their families. Today, we honor the 16 men who have died in West Virginia's coal mines and the lone survivor of the Sago mine accident. We also recognize members of the mine rescue teams who put their own lives on the line to try to save their fellow miners.

On January 2, 2006, the Nation watched, waited, hoped and prayed that 13 men trapped in the Sago mine would return to the surface alive. Then the Nation was stunned when we learned that 12 men had died. Only one survivor, Randal McCloy, returned to the surface alive. Two more miners were lost at the Alma mine, despite the courageous efforts of the mine rescue teams. And just last week, two more miners died in Boone County.

The first 6 weeks of 2006 have seen an unprecedented loss of life in West Virginia's recent mining history. Working with the State of West Virginia, the Mine Safety and Health Administration has begun investigations into these accidents. The agency also has announced an internal review to ensure that all the regulations and procedures under the Mine Safety and Health Act were followed.

In response to concern about MSHA's Freedom of Information Act policy, Chairmen BOEHNER and NORWOOD and Representative CAPITO wrote to Secretary of Labor Chao to secure changes that would provide for greater disclosure of important information. Prior to this action, inspectors' notes and other information related to MSHA citations would not have been disclosed until a case exhausted all appeals. This important change will allow miners and their families better and quicker access to information regarding citations and inspectors' notes.

Only a thorough investigation will pinpoint the cause of these tragic events. Congress must ensure the investigation proceeds as efficiently as possible, and then consider any proposed changes to our Federal mine safety laws and regulations that will help ensure that tragedies of this kind do not happen again in the future.

Mr. Speaker, along with the rest of the Nation, we extend our condolences to the impacted families in West Virginia.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. OWENS).

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the resolution before us today is one that demands our attention, and I hope it is attention in more than just a ceremonial memorial way. It demands our attention for future action.

This resolution pays tribute to 17 courageous and hardworking West Virginia miners and their families, as well as the many rescue team members mobilized to save them in the face of last month's lethal accident at Sago mine, a subsequent fire at the Aracoma Alma mine, and 2 other mine incidents. Despite intense rescue efforts, 12 brave miners were killed at Sago, as we all know. We honor them with this resolution, and we grieve with their families, friends, and neighbors who will miss them terribly. We also honor the sole survivor of those miners trapped by the Sago explosion, commending his courage and perseverance. We wish him and his extended family all the best throughout the long and arduous recovery process that he faces.

We also honor the 2 miners killed in the Aracoma Alma fire and 2 other killed in sepatate incidents in WV coal mines. All of the miners I just spoke of, and you heard their names read earlier, are referenced by name in this resolution. It is our hope that the family members and descendents of these hardworking men will find this resolution and our statements in their honor a source of solace as well as inspiration for many years to come. For we intend that their names and personal histories will be immortalized, so to speak, inscribed within a public law that Americans may read and refer to from this year forward.

But Members of Congress are not poets by nature, nor should we be. In addition to enacting this commemorative resolution, we must do far more to honor these West Virginia mine workers. We must take critical and immediate steps to ensure that all of the other mine workers from West Virginia and throughout the Nation get the safe workplace environments they need and deserve.

One speaker has already pointed out that a large percentage, about half of the electricity produced in America, is produced by coal. Throughout the world, coal is a major fuel producing electricity. Huge mines in Russia and China, and elsewhere, in many of these places their mines are perhaps often not as safe as ours. But there are some places obviously with mines that are safe, safer than ours. There are obviously technologies available which will avoid the kind of catastrophe we experienced here or at least minimize that kind of catastrophe.

I hope that all of us have read about the accident in the Pot Ash mine in Canada where a number of workers were trapped in an explosion and they all got out safely. It was pointed out that while they were waiting to be rescued, there were some cubicles or little cubby holes that they were able to go into and there they found extra oxygen, they found sandwiches and food and a number of things were stored there. And it had all been prepared ahead of time in case an accident should happen.

I doubt if the bottom lines of the profits for the coal mines were greatly affected by preparing those kinds of emergency arrangements. I think that we ought to take a hard look at the fact that there is technology available, there are techniques available to save miners' lives. There are places in the world where mine safety is made a priority. But nobody should be ahead of

America. No worker should be treated better than our workers in the effort to provide safety.

Congressional committees must conduct the requisite oversight hearings to determine whether Federal funding shortfalls or staffing shortfalls or rulemaking snafus at the Mine Safety and Health Administration, MSHA, played any role in the two WV mine tragedies. And if that is the case, then we must fix any such problems without delay. For such subsequent congressional action will serve equally as a fitting and altogether appropriate tribute to the West Virginia men and their families, as well as rescue team members we honor today.

Thus, I urge my colleagues both to pass this resolution and to undertake all other congressional actions, from oversight to authorizing and appropriations legislation, essential to protecting America's hardworking miners and their families.

Mr. Speaker, the resolution before us today is one that demands our attention. It pays tribute to 17 courageous and hard-working West Virginia miners and their families, as well as to the many rescue team members mobilized to save them in the face of last month's lethal explosion at Sago Mine, the subsequent fire at the Aracoma Alma Mine and two incidents at other WV mines. Despite intense rescue efforts, twelve brave miners were killed in the Sago disaster, Thomas Anderson, Alva Martin Bennett, Jim Bennett, Jerry Groves, George Hamner Jr., Terry Helms, David Lewis, Martin Toler, Fred Ware, Jr., Jack Weaver, Jesse Jones, and Marshall Winans, and two brave miners at Aracoma Alma, Don Israel Bragg and Ellery "Elvis" Hatfield. Also, two other miners, Edmund Vance and Paul Moss, were killed at other WV mines. We honor them with this resolution and grieve with their families, friends and neighbors who will miss them terribly. We also honor the sole survivor of those miners trapped by the Sago explosion—Randal McCloy—commending his courage and perseverance. We wish Mr. McCloy and his extended family all the best throughout the long and arduous recovery process he faces.

All the miners I just spoke of are referenced by name in this resolution, which I am very pleased to cosponsor. It is our hope that family members and descendants of these hard-working men will find this resolution and our statements in their honor a source of solace as well as inspiration for many years to come. For we intend that their names and personal histories will be immortalized so to speak, inscribed within a public law that Americans may read and refer to, from this year forward.

But Members of Congress are not poets by nature, nor should we be. In addition to enacting this commemorative resolution, we must do far more to honor these West Virginian mineworkers. We must take critical and immediate steps to ensure that all the other mineworkers, from West Virginia and throughout the nation, get the safe workplace environments they need and deserve. We must ensure that the appropriate Congressional committees conduct the requisite oversight hearings to determine whether federal funding shortfalls, staffing shortages, or rulemaking snafus at the Mine Safety and Health Administration (MSHA) played any role in the Sago, Aracoma Alma, and other mine tragedies. And if that is the case, then we must fix any such problems without delay. For such subsequent Congressional action will serve equally as a fitting and altogether appropriate tribute to the West Virginia men and their families, as well as rescue team members we honor today. Thus, I urge my colleagues both to pass this resolution and to undertake all other Congressional actions—from oversight to authorizing and appropriations legislation—essential to protecting America's hardworking miners and their families.

Mrs. DRAKE. Mr. Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I rise to solemnly support House Concurrent Resolution 331 that mourns the loss of so many coal miners from the Sago and Alma mine disasters and, quite frankly, it is a time for us to remember so many other coal mining disasters. The victims as well as the rescue crews who fought bravely to get them to safety ought to be recognized in the aftermath of this tragedy. But now our deepest sympathies are with the families and friends whose lives have passed.

I feel a special affinity to these miners, my own great-grandfather having been a coal miner in Pennsylvania, and while I was a student at Wheeling Jesuit University in Wheeling, I spent so much time working in towns and volunteer work in mining towns in West Virginia, among them being Mann, West Virginia where the great Buffalo Creek flood disaster hit when a dam from a coal mine collapsed and wiped out so many people in that town.

It is a rough life for coal miners and coal mining towns, for the families, the wives and loved ones who sit and wait each time the elevator goes down into the shaft. The struggles and the hard scrabble life is so often immortalized in songs and folk songs over the years. And they are true, indeed, for the life is difficult for men and women who work in the mines and recognize the dangers and the constant safety that the mine operators must attend to.

It is also time to recognize that there are teams of people out there who did so much and responded so quickly, in particular Consol Energy, which had all five of their West Virginia teams and three Pennsylvania teams first on the site to try and help. We wished and we prayed so much that this would not have ended as it did. Instead, we had hoped that perhaps it would have been what happened at Cue Creek mine disaster of a couple of years ago in Pennsylvania when we all waited and watched with our eyes glued to our televisions as nine miners emerged from the mine late at night.

We wished for that. We prayed for that. Sadly that did not happen. And sadly, there may be other disasters of this type, but we must work hard to set the goal that it never happens again. We know that coal is a vital part of American energy. We know that coal and all the things that come out of manufacturing related to coal are a vital part of our country's economy. And the men and women who continue to work in the mines down below or on the surface are all part of that dedication and their willingness through their courage to give so much every day.

And then finally, perhaps, what we have to make sure we do, as the gentlewoman from West Virginia was saying, is work very hard with rescue teams and strong safety regulations for mines and enforcement of those regulations to prevent these tragedies from happening again. It is only through such actions that we would fittingly remember those who have come before us and died, and those who may come in the future and be suffering as well. That is the very least we owe their families. And as we honor those who have lost, we need to work towards that safety for those miners and their families for the future.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, and Members of the House, I am honored to join in support of this resolution offered by our colleagues from West Virginia and to join our colleagues in paying tribute to these 16 brave miners who lost their lives last month in West Virginia, and also to the miner who lost his life in Pike County, Kentucky, who died during the mine roof collapse, and to express the condolences to their families and to their friends who have lost loved ones.

We continue to hope and pray for the full recovery of Randal McCloy who lived through this ordeal at the Sago mine disaster, and wish him well. I join, I am sure, our entire Nation in recognizing the sacrifice of these individuals. And I want to salute the efforts of dozens of brave rescue workers who volunteered to risk their own lives to save others and the efforts of citizens of the affected communities who continue to help and to support the families of victims and to deal with their loss.

□ 1630

Despite a half century of improvements in mine safety, the truth still remains that underground mining continues to be one of our country's most dangerous occupations. It is also an occupation that we recognize many people would have a very difficult decision to make to join this occupation. It is one of the reasons we talk about the bravery, the courage, and the sacrifice of these workers and those who entered the mines after the disaster to join them, because we recognize that many of us would not want to do this.

But we also understand that just a week ago the President was here telling us the importance that coal would make if we really want to achieve energy independence for this Nation for a whole host of reasons that are very

good for this Nation. Then we continue to need to have the sacrifice and the courage and the bravery of the mining community and of these communities to send their young men and women into the mines. But if it is about their bravery and their courage and their sacrifice, then our obligation is to meet their bravery with the duty of care.

There is no question that our progress in making mining a safer and healthier occupation than it has been in the past has been remarkable, but the Sago tragedy shows us that our job is not done. Death, injuries, and serious illnesses remain a very real part of those who go down into the mines and to their families and their communities and the brave men and women who help when the safeguards fail.

The men and women who need the solid incomes provided by mining jobs face difficult choices every morning before they go to work and see their loved ones at the door. I think the way that we truly honor their courage, their sacrifice, and their bravery, and these miners who have lost their lives and the volunteers who helped out and the grieving families and the communities, is to make the promise, as the gentlewoman from West Virginia said, that part of their legacy is safer mines and a safer occupation and a safer future for their children and their grandchildren and others who will go down into the mines. That means that we must meet our duty of care to these miners to make sure that we fully understand where the failures took place, where the improvements can be made, and where the risk is unacceptable.

Mr. RAHALL and his West Virginia colleagues have already introduced legislation that deserves immediate consideration to make certain improvements in standards and operations of the Mine Health and Safety Administration. I am delighted that they already received a partial response to that with the Agency engaging in emergency temporary standards to require coal operators to maintain additional self-contained, self-rescue devices in storage areas within underground coal mines, and to require coal operators to notify the Agency within 15 minutes of an accident. This is quite properly done on an urgent and emergency basis. I have urged the Education and the Workforce Committee to immediately commence oversight hearings to help us to determine the actions that would help strengthen the agency so that it can carry out the important responsibilities we have vested in it and what they owe the workers in the mines.

Next week, Monday, February 13, my colleagues and I are sponsoring a mine safety forum. We have invited the miners and their families and mine safety experts to share their views on how Congress and the Department of Labor can make mine safety enforcement more vigorous and effective.

It seems clear to me that there are serious questions regarding this administration's track record on mine safety that the employees and families of the Sago and Aracoma Alma mines have a right to know. I think we have to know the impact of the changes in the regulations and the regulations that were withdrawn in 2001 and the regulations that were implemented in their place. What was the margin of safety? Was there a change in that margin of safety, and did they have impact on the overall mine safety in the mine? We know that some of those regulations that were withdrawn at that time are now seen as urgently needed, as I just recited, from the response to the West Virginia delegation by the mining agency, safety standards for oxygen and breathing devices, standards for flame-resistant conveyor belts that Mr. RAHALL has raised, and that their withdrawal may have undermined the safety at Sago and Aracoma Alma mines.

We want to know what is the relationship between the drop in maximum fines and the usage of fines. Are fines helpful? Do they deter bad behavior? Do they, in fact, make for improvements to take place?

What is the relationship between the mines and those who are repeat offenders of serious violations of the current mine safety regulations and the protections that are put in place for those miners? Should they be dealt with in a different fashion? Do we fully understand the voluntary compliance assistance program that is currently in place? Should that continue to be extended to those mine owners that, again, repeatedly violate the law?

What is the relationship between the voluntary nature of the program and the compliance and the margins of safety that we expect for these miners?

Does the administration have the right people in the right place for the running of this Agency? Are their qualifications commensurate with the duties that they have to the miners in the field, and are we sure that we have the best people to continue the downward trend of mine fatalities in the mine, but also the general safety environment within the mines?

And we want to make sure that, in fact, the Department of Labor has kept pace with existing mine safety technologies, such as electronic tracking and communications devices and reserve oxygen chambers, technologies used in other countries, in some cases in other mines in this country, but clearly are not mandated. But we now see, as we start to do the forensics of what took place here, that maybe these things, had they been in place, these miners would have had the opportunity to walk out of that mine. These miners may have had a chance to shelter in place until rescuers could have gotten to them if they did not understand their ability to work their way around the danger that presented itself.

So these are the questions that the miners and their families will address in the forum. These are the questions that must be addressed by the administration, and these are the questions that must be addressed by this Congress, and must be addressed by this Congress in an independent fashion.

I am not sure I entirely agree with my colleagues on the other side that we must await the administration's doing its own investigation and hearings prior to our embarking upon that effort. I think that we ought to ask these people to come before the Congress and to explain the situation that we see.

Again, this is about the legacy of these miners' lives. It is about the future of mining in this country. It is about our responsibility to these individuals, to their families, to these communities. Again, it has been made clear that coal is going to play an evermore important role in our energy future, so we must understand that these individuals were patriots in that effort to achieve energy independence in this country. And I would hope that we would understand that as we pay tribute to their courage, to their sacrifice, and to their bravery to go down in these mines, that we inherit on their behalf and on behalf of their families a duty of care to these individuals and a responsibility to make sure that we have done all that we can do, as the government, in assuring their safety and making sure that they are working under the best safe environment that is possible for them and their colleagues.

Again, I thank the members of the West Virginia delegation for bringing this resolution to the floor and urge the support of it by all of our colleagues in the House.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 331, "Honoring the sacrifice and courage of 12 coal miners killed and stamina and courage of 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 effort in the aftermath of tragedies."

I would first like to commend the West Virginia delegation including my good friend Mr. RAHALL, for introducing this resolution honoring those who lost their lives and the dedicated rescue crews who worked tirelessly during the crises. This resolution proposes recognition of our brave citizens who gave their lives for their work. West Virginia is the Nation's second largest coal producing State that generates more than half of domestic electricity and provide millions of Americans with energy for their homes and businesses. The United States has an estimated 275 billion tons of recoverable coal reserves representing about 95 percent of all fossil fuel reserves in the Nation, meaning that the average of 7,600 pounds of coal per person per year is used in the United States.

Moreover the coal miners are extremely productive American workers in the face of grueling conditions, producing 7 tons of coal per miner per day.

During the last century over 100,000 coal miners have been killed in mining accidents in the Nation's coal mines. The Nation is greatly indebted to coal miners for the difficult and

dangerous work they perform to provide one of the sources of fuel needed to operate the country's industries and to provide energy to homes and businesses.

There were 12 miners, Thomas Anderson, Alva Martin Bennett, Jim Bennett, Jerry Groves, George Hammer, Jr., Terry Helms, David Lewis, Martin Toler, Fred Ware, Jr., Jack Weaver, Jesse Jones, and Marshall Winans, that lost their lives on January 3, 2006, but fortunately one miner was rescued, Randal McCloy. I also recognize the 2 miners that lost their lives early this year in a fire in Aracoma Alma Mine on January 19, 2006. These men were Don Israel Bragg and Ellery ''Elvis'' Hatfield.

It is a burden on all of our hearts when hard working citizens of this country perish, especially while on the job. My prayers go out to the friends and families of those who have lost their lives.

I support H. Con. Res 331 and I urge my colleagues to follow suit. I thank you for your consideration and yield the reminder of my time.

Mr. DAVIS of Illinois. Mr. Speaker, last month, America witnessed the tragedy of the Sago and Aracoma Alma mine deaths. We saw terrible things happen to good people, and the Nation was saddened by the events that unfolded.

I join with my colleagues in honoring these hard-working Americans who died or were injured while laboring to support their families. We also recognize the individuals who worked so hard to save them.

Our thoughts and prayers are with the friends, family, and neighbors of each of the, miners affected.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H. Con. Res. 331, a resolution honoring the 16 extraordinary miners who lost their lives in the recent West Virginia coal mine accidents and recognizing the courage of Randal McCloy who survived. Further, I join my colleagues in extending our condolences to the families of these miners, and recognize the brave efforts of the rescue crews and volunteers during this time.

I represent southwestern and southern Illinois, a region with a rich coal mining history. Coal mining has played a significant role in transforming and developing the region since the mid-1800s when substantial coal mining in Illinois began. In 2006, the coal industry continues to be a vital component of our economy, and one we are working to strengthen for the future. Improving mine safety standards is an important part of this process in Illinois, West Virginia, and other coal producing States.

These unfortunate coal mining fatalities in West Virginia have highlighted the pressing need to revise the national coal mine health and safety s!andards to ensure miners are equipped with state of the art technologies and tracking devices, and sufficient emergency supplies of oxygen. I am pleased West Virginia legislators acted quickly to enact a state law requiring coal companies to give employees electronic tracking devices and to store oxygen supplies underground. Precautionary measures are needed to protect the health and safety of our coal miners and penalties for flagrant violations of the law and regulations must be enforced. To this end, I have joined my colleagues in the House as a cosponsor of H.R. 4695, the Federal Coal Mine Safety and Health Act of 2006.

Mr. Speaker, I know my colleagues join me in honoring the West Virginia coal miners for their courage and sacrifice and expressing our deepest condolences to their families.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BONNER). The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 331, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution honoring the sacrifice and courage of the 16 coal miners killed in various mine disasters in West Virginia, and recognizing the rescue crews for their outstanding efforts in the aftermath of the tragedies.''.

A motion to reconsider was laid on the table.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mrs. Wanda Evans, one of his secretaries.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1712

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REHBERG) at 5 o'clock and 12 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4297) to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Neal of Massachusetts moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed as follows:

(1) The House conferees shall agree to the provisions of section 106 of the Senate amendment (relating to extension and increase in minimum tax relief to individuals).

(2) The House conferees shall recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008.

(3) To the maximum extent possible within the scope of conference, the House conferees shall insist on a conference report that would not increase the Federal deficit for any year.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Massachusetts (Mr. NEAL) and the gentlemen from California (Mr. THOMAS) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, we all know that perhaps more important than anything else we do here, we set and we establish priorities. Our motion to instruct sets forth the priorities that I believe should be followed in the conference on this legislation.

The priorities of the Republican majority are clear: Large tax cuts that disproportionately benefit the wealthiest in our society, while slashing initiatives that protect the most vulnerable in our society. Even in normal times, these priorities would be wrong, but these are not normal times.

America is currently involved in two wars, one in Iraq and one in Afghanistan. These are the first wars in our country's history where only those in the military and the poor are being asked to sacrifice.

Hurricane Katrina forced America to see poverty and its consequences. And let me compliment former President Jimmy Carter for his remarks yesterday at Mrs. King's funeral when he spoke of that very issue.

□ 1715

The administration has converted surpluses into an enormous budget deficit, but has done nothing to prepare programs like Social Security and Medicare for the future other than to threaten privatization. The most significant fiscal turnaround in the history of America has occurred on the watch of the Republican majority here in the Congress.

What I think is interesting, and I say this with great confidence, during these past few years we have almost doubled defense spending, we are fighting two wars, we have created a Department of Homeland Security, we have witnessed the national principle

play out during Hurricane Katrina, and we have done all of this with six tax cuts. There is not anybody who is watching at home tonight in America who could run their personal lives on that basis. They could never hope to balance the ledger of trying to raise a family if they attempted to copy the model utilized by this Congress.

Our motion to instruct sets forth different priorities. First, it instructs the House conferees to follow the Senate bill and extend alternative minimum tax relief. Now, I must say that during my time as being one of the leaders here, it even was acknowledged by one of my friends on the other side, in the area of alternative minimum tax, that seldom have I had any issue in my time where I spoke of an issue more earnestly, received more congratulations from Members of both parties, and seen less extensive action than in the area of alternative minimum tax. This should be one of our first priorities. Without an extension of this relief, over 17 million Americans will face a tax increase in 2006, and the size of that tax increase could be as large as $3,640. Many middle-income families, largely married couples with children, simply are going to face higher taxes. That should be the priorities that we entertain.

Second, our motion to instruct would require the House conferees to drop any extension of the tax benefits for dividend and capital gains. Those benefits do not terminate until the end of 2008, so there is time to extend these benefits in the future if it is to be determined that they are appropriate as we seek balance in the ledger. Almost half of those benefits would be enjoyed by the wealthiest one-fifth of one percent of individuals, or better understood as individuals with annual incomes over $1 million.

Third, our motion requires the House conferees to develop a conference report with the view to not further increasing the Federal deficit. The administration projects a Federal deficit of over $400 billion for this fiscal year.

By the way, we have been told for the last 5 years that those numbers were going to come down substantially. The administration is proposing large deductions in education and health programs using the large deficit as an excuse, the very deficit they have created by their actions. Many of us on both sides of the aisle will oppose those misguided spending reductions. And once we get to the real battle here in the coming year over Medicare and Medicaid, my suspicion is that they will see all the action that Social Security saw in the past year. Further tax cuts for the superwealthy would jeopardize the remaining safety net for our children, for the disabled, and for other vulnerable individuals in the future.

Mr. Speaker, I would hope that we would have an open conference where the views of all parties might be expressed. After all, that ought to be one of the cornerstones of our democracy.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do have to say this is one of the oddest motions to instruct that I have seen in my multiple decades in the House for basically one reason: just a few short days ago the House passed by a vote of 234 to 197, a tax reconciliation package which extended the dividend reductions and the capital gains reductions. On the same day, the House passed, outside of reconciliation, the alternative minimum tax assistance that the gentleman has pleaded for by a vote of 414 Members of the House of Representatives, I believe, to 9 in opposition. That was the substantive action of the House on the floor.

This motion to instruct, which is nonbinding, requests that the House completely reverse itself from the vote we had just a few days ago, and that is, we do not include dividends in capital gains in tax reconciliation, but we include the alternative minimum tax which was voted outside of reconciliation. And I guess I would just ask my Members whether or not it is more important to hang on to the substantive action of the House or the symbolic gesture on the part of the Democrats. That is not the only strange thing about this motion to instruct.

You heard my colleague from Massachusetts and you will soon hear from other Members of very large urban States asking for tax relief for the very richest Americans. After all, by definition, the alternative minimum tax is not applied to the lowest. It is not applied to the 10 percent bracket. It is not applied to the 15 percent bracket. It is applied to the richest among us. And although it is refreshing, it is just ironic that we are going to have Democrats going to the floor pleading to relieve the wealthiest among us from an alternative tax burden. And to do that, they want to deny, the number 17 million was mentioned, as those who were affected by this. That is everyone who has even a dollar affected, as opposed to 14 million who would get total relief on the basis of this if it were substantive, which it is not.

But what my colleague fails to recognize, or chooses not to mention, is that with the reduction for dividends and capital gains, we also provide for significant tax relief in the investment aspect of dividend in capital gains for those in the 10 and 15 percent bracket going to zero before it expires. On capital gains that benefits 14 million alone; on the dividends, that benefits 27 million Americans.

They want to take those people who want to invest, who are in the 10 and 15 percent bracket, and deny them the opportunity to bootstrap themselves so they can give the richest among us a little bit of relief because large States that have high State income taxes and high State sales tax want to live off the rest of the Federal taxpayers in getting relief from alternative minimum tax.

And let me say about the gentleman's example about how we do not seem to be able to figure out how individuals can live if they followed the Federal example of tax cuts, it is very simple. The alternative minimum tax that they ask for in terms of relief are dollars to the richest among us who will spend, who will spend it on consumption. You get a one-time benefit on consumption. In that example, there is no question that American families could never survive tax cut after tax cut if all you did with the money was feed consumption. But what the history of the investment of dividends and capital gains meant is that people were able to invest money going to jobs and to productivity which has given us a bonus back.

And if the individual family took that money and invested it, that is the smartest thing, deferring current gratification for future reward. That is exactly what we are doing with the dividends and capital gains. So I am a little startled that my colleagues are bewildered, the difference between a consumption-insisting tax or an investment insisting tax. One consumes, the other one grows. That is why we are able to continue to see the economy improve as we continue to cut taxes. It depends on which taxes you cut, where you cut them, and how you cut them.

What my colleagues are asking for in this motion to instruct is to give more money to rich people to spend and deny those people even in the 10 and 15 percent tax bracket a chance to invest and grow wealth. One is the American way. I do not know what the other one is.

So all I would tell my colleagues is, please, we acted substantively. We passed tax reconciliation. I know this motion is not binding, but please make sure you understand what you are doing. You would be reversing investment in favor of consumption. If you come from a rich urban State, it probably makes sense to you. If you are from the rest of America, it certainly does not.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman said that this is one of the oddest motions to instruct that he has come across, but let me say I think that everybody would agree the most peculiar moment we have had in the last few years was the prescription drug bill. If you want to talk about a peculiarity that will be with all of us forever and how that was done at 4 o'clock in the morning, now that is peculiar. That is odd. What we are offering here is a sensible solution.

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, my friend, Mr. THOMAS, the chairman of the awesome and powerful Ways and

Means Committee, has normally presented brilliant arguments, many of those I have opposed; but I have really never seen such creative thinking as he has done on the alternative minimum tax. I would hope the whole world, and that is at least those in New York and around the country, will hear who he is describing as the richest people in the world. I mean, coming from California there may be some distorted thinking about incomes, but from all of the statistics, they say that over half of the people are between the incomes of 100 and $200,000, they would be getting the relief.

And then if we were talking about, I do not want to start a class war because I do not want to offend any on the other side, but over 50 percent of the relief under the interest in the capital gains would go to people above a million dollars.

And so I do not think we would call the 100 to $200,000, certainly as it relates to the Nation, that is high income, but it certainly does not compare to the recipients of those in the categories that will receive capital gains and corporate dividends.

But more importantly, I beseech Mr. THOMAS to deal with the question of equity. When we are trying to help somebody in terms of taxes or to take away some benefits from somebody, it may be done in the back room, but ultimately the public will know which group are the beneficiaries.

Now, there is no way that you can contradict that nobody in this Congress or the Ways and Means Committee or the Finance Committee ever thought that the people that we were going after to make certain that they paid a minimum tax would find themselves being pushed in the category where they would be paying out thousands of dollars in taxes which we never intended for them to have, they just got pushed into this by inflation. We owe them more than new people that would benefit, some kind of relief.

Now, this whole idea that we did it outside of reconciliation means that you did not do it at all. We know that when the House and the Senate conferees go to conference, that is when Democrats are invited to go but whether we are there or not, that we try to find out what is the best in both of the bills.

□ 1730

So it would seem to me that the only thing that we truly have that was passed by both the House and the Senate was relief for the alternative minimum tax. True, the Republican-controlled House did not put in any reconciliation, but those who were invited to go to conference would at least know that the Senate had it in their reconciliation bill and the House overwhelmingly passed it.

So it would seem to me, in equity and fairness, if you are talking about the intent of the House and the Senate, since they never included in their reconciliation bill the concept of the tax relief being given to capital gains and to corporate dividends, that in good conscience you could come back to the House and report that you followed the instructions.

It just seems to me, Mr. Chairman of the full committee, that you already knew that you were not going to give relief to the AMT; and now, instead of saying that we are sorry that we never responded to an equitable need, we never intended to throw these people into this category, instead of that, you have made them the richest people in the world.

Well, it is getting close to the election; and since the economy is doing so well, we will stick by that. If Republicans say they are the richest people in the world, Democrats would support that you said it.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

We actually could solve a lot of our problems if we would tax all the people in the world. Clearly, what I said was the people in the United States. Those of us among us.

I cannot speak for the gentleman in terms of how he casts votes. I know he was on the losing side when we voted to extend the dividends and capital gains relief in the tax reconciliation package that just a few days ago passed the House with 239 votes. My vote in insisting for alternative minimum tax outside of reconciliation was an honest vote, and I intend to help those people.

Reconciliation is a process that is used by the Senate, not by the House. In terms of the number of votes necessary to pass legislation, the House always passes legislation by a majority vote, and it is always permanent. What we did with the minimum alternative tax vote, which with the help of the gentleman from New York passed by 414 votes, is exactly the same thing as far as the House is concerned that we did with the dividends and cap gains under tax reconciliation.

It is the Senate that utilizes reconciliation to pass measures by only 51 votes, albeit not permanently, for only a decade; and it is the Senate that needs 60 votes to make things permanent. So far as the institution of the House and the rules of the House and the votes that were cast, both on tax reconciliation and on the alternative minimum tax vote, the effective result of the House vote is absolutely the same.

All I am pointing out about the strangeness of this motion to instruct is that it is a request for the House to reverse itself, albeit nonbinding, from the very vote that we took, and that is that the gentleman from New York and others who were on the losing side on the vote for tax reconciliation want to be on the winning side by offering a motion to instruct. I guess it is okay. I will trade substance for appearance any day of the week. But Members need to know what they are voting on, and what they are voting on is to reverse themselves from the substantive decision they made earlier. I have never seen a motion to instruct that completely flips the legislation that had been presented. That is what I meant by strangeness.

And the argument that the gentleman from New York has just made in terms of the comparisons kind of equals that level as well. It is pretty simple. The economy is moving because we are investing in the economy through the reduction of tax on dividends and capital gains. If you were to give money to people, although the consumer helps, you simply do not get the benefit. And the people who make the most money, who are subject to the alternative minimum tax, deserve help. They do not deserve help in reconciliation, which the Senate needs to be able to make law.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a valuable member of the committee.

Mr. ENGLISH of Pennsylvania. I thank the chairman for yielding me this time; and I will say one thing, Mr. Speaker, and I think the gentleman from Massachusetts had it right when he said this is about priorities. This motion is definitely about priorities, and it is about maintaining or not maintaining the current economic policies that make it a priority to encourage economic growth and encourage job creation.

In 2005, we created 2 million jobs in our country, and since 2003 our GDP has seen its fastest growth rate in 20 years, averaging a robust 4.4 percent per quarter. That growth is attributable at least in part to the competitive rates that we have set on capital gains and dividends, the seed corn of our economy. And it is precisely here that their instruction proposes to impose a tax increase, a tax increase on the most dynamic sector of the economy and on the most sensitive part of our Tax Code.

They do not say tax increase. They couch it in terms of withholding or withdrawing a tax cut. But in fact the markets for years have now taken into account a tax rate on capital gains and a tax treatment of dividends which encourages economic growth. They want to raise taxes.

At a time when our economy is facing pressure from globalization and facing pressure from high energy costs, now is not the time to be raising taxes on dividends. Now is not the time to be raising taxes on capital gains. I realize they desperately want to spend more money and they desperately want to raise taxes, but we cannot permit that to happen.

If we are serious about maintaining America's economic growth rate, if we are serious about maintaining a competitive position in the world, it is essential that we send the right message and that we look to make permanent the current rates on capital gains and

the current tax treatment of dividends that are so important a part of our competitive position.

I am surprised to see the other side coming forward with such a naked and clear attempt to raise taxes. But be that as it may, I think the time has come for us to reaffirm our message and to send a clear message to the markets that we are prepared to maintain current policies to encourage economic growth and to maintain the strong points of our current economic policy.

I call on my colleagues to turn down this instruction and do so decisively.

Mr. NEAL of Massachusetts. Mr. Speaker, there were 22 million jobs created during the Clinton years.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, at the end of last year we came to the floor, as was pointed out, to vote on the tax reconciliation bill. That bill extended tax cuts that did not expire for years, and it ignored tax relief that was expiring within days, relief from the alternative minimum tax, or the AMT.

Now, just this past Monday, the President released his annual budget; and it was, with apologies to Yogi Berra, deja vu all over again. He called on Congress to make permanent $1.4 trillion in tax cuts. Some of those do not expire for years to come. And he called on Congress to make permanent relief from the AMT only through fundamental reforms of the Tax Code. Unfortunately, his budget did not call for fundamental tax reform.

So that is the naked tax increase that was alluded to. If it is not fixed, this creates 17 million new taxpayers, a tax on 17 million new people.

If our friends on the other side of the aisle tell us, as they do often enough, that the budget is a document outlining the priorities of the President, then we can only deduct that paying down the debt is not a priority of this administration; that managing our money so that we no longer have to mortgage our future to countries like Japan and China is not a priority of this administration; and permanent AMT relief for working and middle-class families is just not a priority of this administration.

Mr. Speaker, these are priorities for everyday Americans and for those of us on the Democratic side of the aisle. I urge my colleagues to support this motion to instruct which reflects the priorities of Americans and calls upon the conferees to provide immediate and fiscally responsible relief from the alternative minimum tax, which is going to tax 17 million new people.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

If it is going to tax 17 million new people, why do they call it the alternative minimum tax? These people are already being taxed. It is an alternative way to tax them and was actually put in place when my colleagues on the other side of the aisle were in the majority.

The gentleman from Napa Valley, in pleading for some of the richest Americans to get some relief from an alternative system of taxation they put in place when they were a majority and could have dealt with it, literally wants to take money from the 10 and 15 percent bracket, people who are trying to invest and grow a nest egg so that they can have a piece of America like the people in Napa Valley.

The people in the 10 and 15 percent bracket for the first time actually can figure out a way to invest in America, to grow a nest egg, and to see the ability to have a better tomorrow. But they want to take the money from these people and ease taxes on those people in the upper tax brackets who have now triggered the alternative minimum tax.

I said I am in favor of helping relieve the alternative minimum tax, but the plan we have proposed is not trading one for the other. It is not denying the 10 and 15 percent bracket a piece of America. We passed assistance to the alternative minimum tax. It was outside of tax reconciliation. What they want to do is shove that nest egg-building approach out of tax reconciliation and move the alternative minimum tax in its place. That is what we are opposed to.

We are not opposed to assisting the alternative minimum tax. We are opposed to denying the 10 and 15 percent bracket a chance to invest in America at the lowest possible cost. That is what this is about.

Mr. THOMPSON of California. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from California.

Mr. THOMPSON of California. Thank you, Mr. Chairman, for yielding to me; and I just want to point out that I represent seven counties, and I have people that are going to get caught in this AMT tax just like you do and just like every one of our colleagues across the country.

This was a tax, as you point out, to make sure people did not get out of their tax liability. But it was never indexed; and now it has crept up to catch all those good, hardworking people in the middle. And, Mr. Chairman, you know that our State pays 25 percent of the AMT that comes to the Federal Government.

Mr. THOMAS. Reclaiming my time, Mr. Speaker, the gentleman and his party had every opportunity when they were in the majority to index that. And in fact they had every opportunity to remove the credits and deductions which allowed those people not to pay any taxes. Instead, they took the easy way out of offering an alternative minimum, and you have gotten bitten.

I find it is ironic that the people in New York, New York City, and other areas are now asking relief for very wealthy people. I do not have a problem with that. We passed 414–4 relief for that on the floor. At the same time, within tax reconciliation, a structure which assists the Senate, we placed our highest priority, investment to creating nest eggs for the 10 and 15 percent brackets. That is where we decided to place our priorities. Your attempt here is to reverse that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CAMP), the chairman of the Select Revenue Committee of the Ways and Means Committee.

□ 1745

Mr. CAMP of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in opposition to this motion to instruct. This motion is really based on a flawed rationale and flawed thinking. They are saying that we drop the 2-year extension on reduced rates for capital gains and dividends, somehow thinking that is going to help the deficit. First of all, that would be a tax increase on all those investors. As we have seen with employee stock ownership and employee-owned companies on the rise, stock ownership on the rise, more Americans participating in the stock market and investments than ever before, more than half, this would be a huge problem and tax increase for them.

Not only that, as we have seen when President Clinton was President in 1997 and signed a reduction in capital gains rates from 28 to 20 percent, we saw that then increased revenue to the government because of the economic growth that came out of that increased investment. We have seen the same with our recent capital gains and dividend reductions.

For example, the Congressional Budget Office says that receipts to the government have not declined, but have increased significantly by 45 percent, and that is by reducing the capital gain rates from 20 to 15 percent because not only did that double the realization of gains, and one reason was there was a higher return on investment as that tax declined, but also there was this unlocking effect where investors could sell their assets and move into other investments that then grew more rapidly. So we had this growth and dynamic aspect of the economy that took over that is so critical.

The CBO also found that tax collections from what they call nonwithheld tax receipts also jumped dramatically by 32 percent. We have seen dividend payouts from American companies virtually triple as a result of this reduction. So we have seen that this is tremendous benefit for the American people as their investments grow and they become more well off, and this is all income levels. Anybody who is part of an employee-owned company can participate, anybody can participate in the market, it is not just the high-income people, and we have seen lower and lower income levels participating in

the stock market over times because of these changes.

So I think it is critical that we not approve this motion to instruct, that we reject it for the reasons that to create economic growth, increase prosperity and give every American a shot at the American dream, we must extend the reduction in capital gains and dividends.

Mr. THOMAS. Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan (Mr. CAMP) and ask unanimous consent that the gentleman from Michigan control the remainder of my time.

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CAMP of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, as we stand out here and argue this sort of arcane piece of tax policy here today, the chairman tells us we are better off than we ever were before. Anybody who has looked at where the national debt is knows that is not true. Whatever this tax policy they are pushing is about, it is driving us deeper and deeper into debt.

In addition, today the President presents a budget to us that says nothing about the war and what it is costing. It is probably going to cost us a trillion dollars by the time it is all done, if we ever get out of it, stagnant wages in this country, and 500,000 more people in poverty.

Now the chairman says we want to have everybody have a shot at the American dream. Well, let me tell you something, this is a shot like a shot at the moon for most of them with a shotgun. It is not going to come anywhere near it. We do not want any more tax holidays for the rich.

The fact that you are trying to get rid of the AMT by letting it drift down further and further and further into the tax-paying people in this country is very obvious. You want there to be an uprising that says let us get rid of the AMT. You know why it was put there. You said yourself. They put the AMT because there were rich people in this country paying nothing. We could have kept it at that level, but in 2001 you decided we have got to balance the budget. Let us not do anything about the AMT. We told you over and over and over again in the Ways and Means Committee that is what you were doing. And yet you now say, oh, well, it is somebody else's problem.

You are driving this country over the edge. You think you are sending a market message. You are sending a message to the market with the kind of debt this country is in. If you take the credit card debt and the amount people have borrowed against their homes to keep up their level of income, you have a country seriously in debt. Now you say we do not care who has to figure their taxes twice, we will let it go down to $50,000, $60,000, whatever the number is going to be. That is of no consequence to you at all because you are dedicated to only one group in this society, and that is the people on the top.

This whole construction that you put together over the last 4 years, and I welcome you back to the well, I think you might have a couple of things to say to me, but bringing this tax bill to where we are today was a deliberate attack on the middle class. That reconciliation bill that the President signed took away the money that people would use to educate their children. You gave the banks big breaks so they could take more out of the hides of the kids. This is a good motion, and it ought to be adopted.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I note that the House voted 414–4 to move the alternative minimum tax outside of reconciliation to pass alternative minimum tax relief. I was sincere in my vote. I would just inquire whether those on the other side of the aisle who voted for this bill were sincere in their votes.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time.

A budget is indeed about choices about picking winners and losers. And there is a certain consistency in the approach that we have seen in this Republican Congress.

Each year this administration targets the same losers and rewards the same winners. Each year it offers more tax breaks for those at the top, the wealthiest few, and it insists that the deficits that are thereby created be paid for in part by cutting aid to working families, to students and to our seniors. Each year it sacrifices long-term fiscal responsibility at the altar of short-term political gratification, escalating the national debt to subsidize private fortunes.

The administration's budget does not just crunch numbers, however, it crunches people.

Only last week the same folks that are here today demanding more and more tax breaks for those at the very top were here saying they had billions in what they called ''savings'' to help finance these tax cuts. But if you were a family caring for an abused and neglected child, that savings meant no support.

If you were a single mom relying on Federal child support enforcement to get a deadbeat dad to pay their monthly child support payments, it meant no child support.

For many a student relying on Federal student financial assistance, it meant an inability to get aid to go to school. And the health cuts, the same burdens imposed on the most vulnerable.

This Republican-controlled Congress continues to make these cuts to the vulnerable while offering high tax cuts for million-dollar-a-year-income folks. Extending these tax breaks today will put over $32,000 in the hands of people who earn a million dollars or more every year. While true that some of the 64 percent of families who earn less than $50,000 a year will get a tax cut, too, it will amount to only about $11 a year. So it is the difference between giving a new car to some of the privileged few and a car wash to the 64 percent.

The difference that they propose today is the difference between tuition at some fancy private school to the few, but only a pack of pencils to the many. It is the difference between a down payment on another vacation villa for the wealthy and some Lincoln logs or Legos for most everyone else.

At the very moment we are now debating this, the Office of Management and Budget is over here at the Capitol whacking away again at what they claim are unnecessary programs. But there are more programs that they propose to eliminate or significantly reduce in the Education Department than in any other department in the Federal government. Such unfortunate actions by the Republicans create another kind of deficit, an ''opportunity deficit,'' where young people and some not so young are not able to obtain the resources needed to achieve their full, God-given potential.

I think it is wrong to add to that opportunity deficit in our communities, just as it is wrong to build a national deficit that those future generations will be asked to pay. There is no balance in the budget these folks are offering to us today, and there is no equity either. It ought to be rejected.

Mr. CAMP of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I would just like to correct, if I may, the chairman's assertions. He has suggested that the Senate's relief is more focused at the rich, and that is not true. It is true that both the House and the Senate would give about 90 percent of their benefits to the top 20 percent, but at the very high end, the difference is amazing. More than half of the House's capital gain and dividend tax cut goes to the best 1 percent of taxpayers, and that 1 percent, those people earning more than $1.2 million a year would receive an average reduction of $26,500 apiece. That is where half of the Republican House bill goes.

The Senate's bill, on the other hand, would give the AMT relief, would give that same 1 percent merely 2.5 percent of their AMT relief, or an average of $600 apiece.

The other thing that is missing, and I do not suppose it is untrue to say

things are missing, you cannot find weapons of mass destruction, did we lie about the war, I do not know, but to look at the fact that the Senate has paid for a good bit of their relief, and if we look at the subsequent 5 years, it is true in the first 5 years the House bill loses $56 billion, and the Senate loses $57 billion, but that is only the tip of the iceberg because in the second 5 years the Senate bill picks up $20 billion because it has not recklessly given away revenue through reduction of capital gains and dividend income. The House, on the other hand, in the second 5 years loses another $30 billion. So while the grand total in 10 years for the Senate is only $37 billion, less than it is in 5 years, it is $80 billion for the House bill over 10 years, a difference of $43 billion.

Come on, folks, that $43 billion would pay for the education and health care and housing and rebuilding from Hurricane Katrina, and a whole host of things that the Republicans tend to ignore because the rich people that the Republicans represent already have that. They are turning their backs on the children and the middle class by capriciously and recklessly giving away our Federal revenues to the very richest in this country, and that is obscene.

Mr. Speaker, I would first like to thank Leader PELOSI for appointing me to this conference committee, and I rise in support of this motion to instruct.

I strongly believe tax cuts are unnecessary, irresponsible, and morally reprehensible at the present time. If allowed in the room, as Democrats rarely are these days, I will work hard on the conference committee to make sure that any tax cuts adopted be targeted to the middle-class rather than to millionaires.

I will argue for fiscal responsibility. I will insist with my colleagues in the Senate that the tax reconciliation bill protect middle-class families from the Alternative Minimum Tax. I will work to strike the extension of capital gains and dividend tax cuts that benefit the wealthy few at the expense of the hard working many.

In short, I will fight for Americans the President in his budget left behind.

The President in the document released Monday clearly illustrates the course he prefers for tax reconciliation—more tax cuts for the wealthy at the expense of vital domestic programs on which many Americans depend.

The President wants to cut Medicare by more than $100 billion, eliminate Social Security benefits for many older children whose parents have died, and severely cut state funding for child care. His proposal to expand Health Savings Accounts takes direct aim at the more than 160 million workers and their families who have job-based health coverage.

These cuts aren't necessary. Neither are the $21 billion in extensions of capital gains and dividend tax breaks for the top 1 percent of Americans put forth by Republicans in the House in their ill-conceived tax reconciliation bill.

A vote against this motion to instruct is a vote against working families and in favor of millionaires. Voters won't forget that in November.

I urge all my colleagues to support this motion to instruct.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I would just say for the RECORD, the will of the House by a vast majority extended both kinds of AMT relief we have been discussing today without raising taxes as the Senate did.

I just want to say that one in five taxpayers, or 20 percent with capital gains, and one in four taxpayers, 25 percent of the taxpayers with dividends, have incomes below $50,000, so this clearly is an opportunity for Americans to begin to become part of the American dream by investing and growing that income. To not extend the tax relief would be to raise taxes, which would be the wrong thing to do.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY), a distinguished member of the Ways and Means Committee.

□ 1800

Mr. BRADY of Texas. Mr. Speaker, there is actually bipartisan support for reducing taxes in the AMT on American families. If I could go back in time and stop that Congress from ever creating it, I would have because the principle of it has always been so wrong. The principle was our Tax Code is so complex, it is so full of loopholes that it really is not fair anymore. So rather than fix the problem, let us just create a second type of tax, make people create second books, second type of accounts and then try to catch them another way.

It was a terrible principle to begin with; and because it was not put in place, it was put in place for the wrong reasons, in the wrong way and now affecting more and more of our American taxpayers who should never have to fool with this.

The question today is, how do we do it? Do we do it as proposed in this issue, to raise taxes to pay for it? Or as Chairman CAMP has said, this House has voted overwhelmingly to provide tax relief to these families the right way, by just exempting them and not raising their taxes to pay for it. That is exactly the right way to do it.

And another, I think, bad side effect of this proposal that we are debating today is that we take away the tax savings on capital gains and dividends. That is very important to America's seniors, very important to seniors in Texas. And what I especially appreciate is that since this Republican Congress lowered taxes on dividends and capital gains, more and more people, especially seniors, are investing for their retirement, and more companies are not just promoting their stock value. They are actually returning money to dividends to our investors, to our neighbors. And so they are not just saying we have got a great company. They are actually showing it, showing us the money through dividend relief.

That is very important in a time where you just saw last week that America has a negative savings rate, a negative. We are going in the hole more and more each year, American families are. We ought to encourage savings. We ought to encourage dividends. We ought to encourage investment, and we ought not raise their taxes in order to provide relief from AMT. And I respectfully oppose this and urge us to work in a bipartisan measure to do this the right way.

Mr. NEAL of Massachusetts. One thing I agree with the previous speaker on, that the American people are going more in the hole; and when they feel what is happening to student aid and cutbacks in scholarship money because of the Republican majority, they are going to know what being in the hole is really about.

Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, this issue was put so squarely, and I think clearly, in the answer of Secretary Snow when he testified in the Senate. He was asked why the White House had put a higher priority on the investment tax breaks than relief from an alternative minimum tax. His answer, and I quote, ''because lower taxes on dividends and capital gains more broadly benefit taxpayers than AMT relief.'' That is the position of the administration. So what they are saying is that tax relief dividends and capital gains, we are talking now about 2009 and 2010, not this year, next year or the year thereafter, that that is more important when over 50 percent of the benefit goes to people making a million dollars a year, that is more important than the impact of the AMT not in 2009, 2010, but this year, on 19 million taxpayers. That is really the issue.

Now, we hear all kinds of arguments. Mr. THOMAS kind of says, well, those AMT people are kind of wealthy people. A lot of them are not, nowhere near the million bucks made by the people who are the 53 percent who gain in 2009 and 2010.

And then, well, it said, okay. More taxpayers receive capital gains in dividend reduction, that is true, most of them are in lower middle income brackets, but most of the money goes to people making a million bucks a year. That has never been challenged.

Well, then the answer is, Mr. CAMP, we are going to do both. Tell us how you are going to do both. Tell us. Stand up now and tell us. How are you going to pay for both?

Mr. CAMP of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Michigan.

Mr. CAMP of Michigan. Well, because your whole assumption is based on the flawed principle that if we reduce investment taxes, revenues to the government decline.

Mr. LEVIN. Mr. Speaker, I take back my time.

How are you going to pay for both? The Senate said they could not pay for both and that is why they put the AMT in. We voted for AMT relief, the 400-some, because we wanted the issue to stay alive and for the conference committee to act responsibly, civilly and to have the AMT in there. How are you going to pay for both? Tell me how you are going to pay for both.

Mr. CAMP of Michigan. Well, we are certainly not going to raise taxes like the Senate did.

Mr. LEVIN. No, no. Do not tell me what you will not do. Tell me what you will do.

Mr. CAMP of Michigan. Well, because the investment taxes actually increase.

Mr. LEVIN. Tell me. I think the answer is, Mr. CAMP, that you do not intend to pay for both. What you hope to do is to have some AMT relief, later on, unpaid for, in addition to 2009 and 2010 provisions on capital gains and the like. You do not have any intention to pay for both because you cannot do it. This is a further example of the fiscal irresponsibility of the majority in this Congress.

Mr. CAMP of Michigan. Mr. Speaker, first let me say, we are certainly not going to pay for it by raising taxes as our friends in the Senate did by including AMT in reconciliation. And let me just say that we have seen since we reduced investment taxes in 2003, we have seen a doubling of capital gains realizations, meaning, a huge increase in the amount of revenue generated by capital gains sales and a huge 45 percent increase in tax receipts as a result. This is part of the revenue that I hear from the other side.

And so what happens when investment taxes are reduced is revenues to the government increase. That occurred in 1997 when President Clinton signed a bill that reduced investment taxes, that occurred in 2003 when President Bush signed a bill reducing investment taxes. And so one of the things that you have seen from the investment community is that even though we have seen dramatic, positive revenues to the government as a result of decreasing these taxes, a lot of people in the investment community say that if we do not enact an extension, that would be a very negative signal for Wall Street.

Others have said you really will not even see the full potential of realization from the effects of lower rates on investment taxes until they are perceived to be permanent. And that is from the Congressional Budget Office. So the threat of these taxes expiring will affect business decisions well before they do expire and personal investment decisions. So that is why it is important we act now. So, again, I urge Members to reject this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, the distinguished chairman arguing the other side has voted to raise the debt limit three times. You know, all of this new revenue is coming in. You have got to wonder how come we have to keep borrowing more because of our deficit and national debt getting deeper and deeper and deeper.

With this motion we say we ought to address first things first. What is the threat that American taxpayers will pay higher taxes in 2006 and 2007?

Well, millions will pay higher income taxes through application of the alternative minimum tax in 2006 and 2007. Under existing law, no one, not one American will pay a higher capital gains rate or higher corporate dividends rate than they do now. That is established in present law. So if we have got a problem with the alternative minimum tax and we do not have a problem with the capital gains and corporate dividends tax, it seems to me you ought to address the 2006 and 2007 problem. And it is a big problem. In 2005, 1.1 percent of taxpayers in the 75,000 to $100,000 income range paid alternative minimum tax. In 2006 it will be 30 percent. 30 percent will pay a higher income tax in that bracket. Only 7 percent in the 100,000 and up bracket got hit with the AMT last year. It will be two-thirds in 2006. Do not increase income taxes through AMT. Fix it.

And so this resolution that they are supporting, the motion to recommit that they are opposing, it makes no sense. It places all the emphasis on 2008 and 2009. Guess what, Chairman CAMP? We can do that later. Let us deal with the problem that is right before us, the alternative minimum tax income tax increase that faces millions of our households.

I urge a ''yes'' vote on the motion to recommit.

Mr. CAMP of Michigan. Mr. Speaker, I would just say briefly that the threat of these expiring will have an effect on business and individuals from investment decisions well before midnight on December 31, 2008. So it is important that we act now while we can, because that will send a very strong signal that these reductions in investment taxes are here to stay, which will continue to encourage the kind of investment and growth that has created the job relief that the gentleman from Pennsylvania (Mr. ENGLISH), or job creation that the gentleman from Pennsylvania (Mr. ENGLISH), mentioned, over 2 million jobs. And it is so important that we continue to do that.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me urge my colleagues to support this motion and point out that this motion makes it clear that if we work together, Democrats and Republicans, that we can get through a reconciliation bill that deals with expiring tax provisions that need to be dealt with, including the R&D tax credit and other provisions, but we need to do this in a financially responsible way. You cannot extend all of these tax provisions and fix the alternative minimum tax and not worry about the impact it is going to have on the Federal deficit. And I think that is a point Mr. NEAL and others on this side of the aisle have been making. We are talking about trying to reduce the Federal deficit. The first thing you do is stop getting greater and deeper in debt.

So last week we cut programs for our students. We cut programs in health care. We cut programs for those who are the most vulnerable, and we said we were doing it to help reduce the deficit. But, no, we are using every dollar of those dollars for tax cuts. That is not what we should be doing.

We have lots of unmet needs, including rebuilding from Katrina and dealing with the financing of No Child Left Behind. So we have unmet needs. You cannot have these large tax cuts and try to deal with the unmet needs without further increasing the Federal deficit, and that is what this motion is about. This motion is about, yes, there are areas we need to move forward in the Tax Code, and, yes, there are additional investments that need to be made; but if we do it in a reasonable manner, we can reduce the Federal deficit.

Without us paying attention to what is in this motion, we are going to be digging a deeper hole and making it more difficult for us to get out. So I just urge my colleagues to support this motion, but more importantly, support action in this body that will bring us together and not have extensions of tax cuts that are going to make it more difficult for us to balance the budget. Support the motion.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself such time as I may consume. First let me just say that lowering tax rates on capital gains and dividends helps contribute to the long-run economic growth and expansion of this country. Sixty percent of the people who realize capital gains have incomes below $100,000. Twenty-five percent of the people who have dividend income have incomes below $50,000. Capital gains tax receipts have been increasing since the 2003 tax cut. More companies have been offering dividends since the 2003 tax cut. These pro-growth policies are getting America moving again. In the past 12 months, 2 million jobs were created, and the unemployment rate is at its lowest level since July 2001. Do not derail or reverse that growth.

Second, I would say the House voted 414 to 4 to move the alternative minimum tax outside of reconciliation. The House voted in a majority vote just a few days ago to include capital gains relief inside of reconciliation.

□ 1815

This motion to instruct is a clear attempt not to instruct the conferees, but to reverse what the will of the House has voted just a short time ago.

I urge Members to vote ''no'' on this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is okay every once in a while if the Sheriff of Nottingham does not win. Addressing the issue of alternative minimum tax ought to be the priority here. Speaking to those 19 million Americans who are going to get caught in this again is where we ought to be.

Once again, Katrina; two wars; doubling defense spending; the creation of Homeland Security; and although the President did not mention it the other night, he has planned a trip to Mars for NASA.

The point is very simple. We cannot continue going down this road of shaving revenue all the time for the strongest among us. It always has to be more for the powerful, more for the strongest. And on the point that was raised by the gentleman from Michigan about job growth, this has been, by the 5-year standard, anemic job growth. It is the weakest performance in 70 years. Twenty-two million jobs were created during the Clinton years.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have before us a very important piece of legislation, H.R. 4297, the ''Tax Relief Extension Reconciliation Act.'' It is very important to understand this piece of legislation within the big picture the Republicans are painting here. Just last week, the Republicans passed a bill called ''The Deficit Reduction Act.'' This was a spending cut bill that slashed funding to many vital programs my constituents depend on, including Medicaid, Medicare, student loans, food stamps, and child support programs. The Republicans lectured us on the need to make sacrifices to control the national debt. By passing the spending cut bill, the Republicans actually asked the poor, the downtrodden, the disabled and the young to sacrifice on behalf of the rest of the country.

Now we are faced with the Tax Reconciliation Act, which will add billions, if not trillions, to the deficit over the next 10 years. One source estimates that if all of President Bush's expiring tax cuts are extended, including the Alternative Minimum Tax (AMT) relief, it will cost this country $3.3 Trillion over the next 10 years.

Last year, both the House and the Senate passed our respective versions of the Tax Reconciliation Bill. The major difference between the two bills involves AMT and the low rate on dividends and capital gains. The Senate version extends the temporary AMT relief for one year, while the House bill extends the 15 percent tax rate for dividends and capital gains for 2 years.

CAPITAL GAINS AND DIVIDENDS

The House bill contains language that will further extend the contentious capital gains and dividends tax cuts. We shouldn't even have to debate this right now, because these tax cuts don't expire until 2008. If passed, the capital gains and dividends tax cuts will cost almost $51 billion over the next 10 years. These tax cuts will be enjoyed by the ultra wealthy, with those earning more than $1 million a year saving an average of $32,000 in taxes. According to the Center on Budget and Policy Priorities:

Over half—54 percent—of all capital gains and dividend income flows to the 0.2 percent of households with annual incomes over $1 million. More than three-quarters—78 percent—of this income goes to those households with income over $200,000, which account for about 3 percent of all households.

In contrast, only 11 percent of capital gains and dividend income goes to the 86 percent of households with incomes of less than $100,000. Only 4 percent of this income flows to the 64 percent of households that have income of less than $50,000.

ALTERNATIVE MINIMUM TAX (AMT) RELIEF

If the Senate AMT provision is not adopted, over 17 million middle class Americans will face a tax increase next year from the Alternative Minimum Tax, the AMT. The AMT was enacted over 35 years ago to ensure that the richest Americans would pay their fair share of income tax. Unfortunately, when the AMT was enacted, Congress neglected to index the tax rates to inflation. The AMT has now begun to add an extra burden to middle class taxpayers at an alarming rate. I urge the conferees to recognize the need for continued AMT relief and include that language in the conference report.

KATRINA TAX RELIEF

In the House bill, unbelievably, there are no tax benefits for areas affected by last year's devastating hurricanes; Katrina, Rita, and Wilma. The Senate version of this bill contains language similar to language Congress already passed, providing a few billion dollars over the next 2 years. The economy of the gulf coast has been set back decades, and it is going to take years to rebuild. Congress should provide even more supportive tax laws for the region so that both businesses and individuals can get themselves back on their feet. I again urge the conferees to include language further providing tax relief to the areas affected by last year's hurricanes.

MISGUIDED PRIORITIES

Last month, Republicans in Congress couldn't find the money to spare the elderly from Medicaid cuts, to spare the students from loan increases, or to spare our children from child care cuts. They can't seem to find the money to properly rebuild the gulf coast or get New Orleans back on its feet. They are having trouble finding this money because they are choosing to extend the dividend and capital gains tax cuts for the richest in our country. As such, they are making the choice to pass the burden of paying for these tax cuts on to our children in the form of a huge deficit.

This is NOT how we take care of our own in Texas, and this is not how we do things in the United States. The Republicans are launching an unabashed attack on the American way by ignoring the neediest in our country to give tax cuts to the richest.

DEMOCRATIC SUBSTITUTE

At the time of the last vote, the Democrats offered an amendment in the form of the substitute that is much more fiscally responsible and equitable. The Democratic Substitute extended for one year all temporary tax provisions that expire at the end of this year, similar to the Majority's bill. The major difference, however, is that the Democratic substitute addresses the problem of the AMT by eliminating all liabilities for middle class individuals. Further, this $45 billion provision would be fully offset by rolling back a portion of the tax cuts that would otherwise go to those with annual incomes of over $1 million for joint returns and $500,000 for other returns. I again urge the conferees to seek fiscally responsible options and point out that there are other options to alleviate tax burden on the middle and lower class without lining the pockets of the ultra-wealthy.

CONCLUSION

Mr. Speaker, the priorities in the Republican bill are misguided. Congress should not be providing additional tax breaks for the rich less than a month after enacting huge spending cuts aimed at the most vulnerable. In the end, this tax bill will either exacerbate our already large Federal deficits, or will force even deeper cuts in critically important domestic programs. I am strongly opposed to this legislation in its current form, and I implore the conferees to seek more fiscally responsible options.

The SPEAKER pro tempore (Mr. REHBERG). All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. NEAL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NEAL of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. CAMP of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4297.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON FINANCIAL SERVICES

The Chair laid before the House the following resignation as a member of the Committee on Financial Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2006.

Hon. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR SPEAKER HASTERT: I hereby respectfully resign my seat on the Committee on Financial Services, effective immediately. Thank you for the opportunity to serve on this important committee.

Sincerely,

PETER T. KING,
Member of Congress

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

There was no objection.

BLOCKING PROPERTY OF CERTAIN PERSONS CONTRIBUTING TO THE CONFLICT IN CÔTE D'IVOIRE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–88)

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 International Relations and ordered to be printed:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631 (NEA), I hereby report that I have issued an Executive Order (the ''order'') blocking the property of certain persons contributing to the conflict in Côte d'Ivoire. In that order, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by that conflict, as described below.

The United Nations Security Council, in Resolution 1572 of November 15, 2004, expressed deep concern over the resumption of hostilities in Côte d'Ivoire, the public incitement of hatred and violence, and the repeated violations of the ceasefire agreement of May 3, 2003. United Nations Security Council Resolution (UNSCR) 1572 determined that the situation in Côte d'Ivoire poses a threat to international peace and security in the region and called on member States to take certain measures against persons responsible for the continuing conflict. The United Nations Security Council has continued to express serious concern at the persistence of the crisis in Côte d'Ivoire and of obstacles to the peace and national reconciliation process from all sides in UNSCRs 1643 of December 15, 2005, and 1652 of January 24, 2006.

Despite the intervention and efforts of the international community, there have been massacres of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and attacks against international peacekeeping forces in Côte d'Ivoire. Such activity includes the killing of large numbers of civilians in Korhogo in June 2004, and in Abidjan in March 2004; significant violence and unrest, including public incitements to violence, in Abidjan in November 2004; human rights violations, including extrajudicial killings, in western Côte d'Ivoire in April and June 2005; attacks on a police station and prison in July 2005 in Anyama and Agboville, and violent protests in Abidjan and attacks on U.N. and international nongovernmental organization facilities in western Côte d'Ivoire in January 2006. Also, notwithstanding the Linas-Marcoussis Agreement signed by the Ivorian political forces on January 24, 2003, the related ceasefire agreement of May 3, 2003, the Accra III Agreement of July 30, 2004, the Pretoria Agreement of April 6, 2005, and the Declaration on the Implementation of the Pretoria Agreement of June 29, 2005, consolidating the implementation of the Linas-Marcoussis peace and national reconciliation process, Ivorian parties have continued to engage in military operations and attacks against peacekeeping forces in Côte d'Ivoire leading to fatalities.

Pursuant to the IEEPA and the NEA, I have determined that these actions and circumstances constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and declared a national emergency to deal with that threat and have issued an Executive Order to deal with the threat to U.S. national security and foreign policy posed by the situation in or in relation to Côte d'Ivoire.

The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, after consultation with the Secretary of State, to constitute a threat to the peace and national reconciliation process in Côte d'Ivoire, such as by blocking the implementation of the Linas-Marcoussis, Accra III, and Pretoria Agreements; to be responsible for serious violations of international law in Côte d'Ivoire; to have directly or indirectly supplied, sold or transferred to Côte d'Ivoire arms or any related materiel or any assistance, advice, or training related to military activities; or to have publicly incited violence and hatred contributing to the conflict in Côte d'Ivoire.

The designation criteria will be applied in accordance with applicable domestic law, including where appropriate, the First Amendment to the United States Constitution.

The order also authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking any person determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities listed above or any person listed in or designated pursuant to the order. I further authorized the Secretary of the Treasury, after consultation with the Secretary of State, to designated for blocking any person determined to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to the order. The Secretary of the Treasury, after consultation with the Secretary of State, is also authorized to remove any persons from the Annex to the order as circumstances warrant.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by the IEEPA and the United Nations Participation Act, as may be necessary to carry out the purposes of the order. All executive agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, became effective at 12:01 a.m. eastern standard time on February 8, 2006.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 8, 2006.*

2006 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 Education and the Workforce, Committee on Energy and Commerce, Committee on Government Reform, Committee on Homeland Security, Committee on International Relations, Committee on the Judiciary, Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence:

To the Congress of the United States:

I am pleased to transmit the 2006 National Drug Control Strategy prepared by my Administration, consistent with the Office of National Drug Control Reauthorization Act of 1998 (21 U.S.C. 1705).

Four years ago, my Administration issued its first National Drug Control Strategy. That Strategy set out an ambitious, balanced plan to reduce drug use in our Nation. Since 2001, drug use by 8th, 10th, and 12th graders has dropped by 19 percent, translating to nearly 700,000 fewer young people using drugs.

I appreciate the support the Congress has given for previous Strategies. I look forward to your continued support as we work together on this critical endeavor.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 8, 2006.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H. Res. 670, de novo;

H. Res. 657, by the yeas and nays;

Motion to instruct on H.R. 4297, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

CONGRATULATING THE PITTSBURGH STEELERS FOR WINNING SUPER BOWL XL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 670.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and agree to the resolution, H. Res. 670.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HOEKSTRA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 384, nays 0, answered ''present'' 10, not voting 38, as follows:

[Roll No. 5]

YEAS—384

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Chabot
Dicks
Hastings (WA)
Inslee
Larsen (WA)
McDermott
Otter
Pence
Schmidt
Simpson

NOT VOTING—38

Ackerman
Berman
Bilirakis
Blumenauer
Bono
Boyd
Buyer
Cannon
Capps
Costa
Costello
DeGette
Doyle
Everett
Foley
Gallegly
Gilchrest
Gonzalez
Goode
Hinchey
Hooley
Istook
Jenkins
LaHood
Lee
Lewis (GA)
McCollum (MN)
Miller, Gary
Moran (KS)
Rush
Shaw
Slaughter
Stupak
Sullivan
Visclosky
Wamp
Waxman
Woolsey

□ 1853

Mr. HYDE changed his vote from ''nay'' to ''yea.''

Mr. SIMPSON changed his vote from ''nay'' to ''present.''

Mr. INSLEE changed his vote from ''yea'' to ''present.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 5. Had I been present, I would have voted ''yea.''

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

The SPEAKER pro tempore (Mr. REHBERG). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 657.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, H. Res. 657, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 40, as follows:

[Roll No. 6]

YEAS—392

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler

Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—40

Ackerman
Berman
Bilirakis
Blumenauer
Bono
Boyd
Cannon
Capps
Costa
Costello
DeGette
Doyle
Everett
Foley
Gallegly
Gilchrest
Gonzalez
Goode
Harman
Hinchey
Hooley
Istook
Jenkins
LaHood
Lee
Lewis (GA)
McCollum (MN)
Miller, Gary
Moran (KS)
Peterson (MN)
Rush
Shaw
Slaughter
Stupak
Sullivan
Visclosky
Wamp
Waxman
Wolf
Woolsey

□ 1904

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed roll-call vote 6. Had I been present, I would have voted ''yea.''

MAJORITY LEADER

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as Majority Leader the gentleman from Ohio, the Honorable JOHN A. BOEHNER.

MAJORITY LEADER OF THE PEOPLE'S HOUSE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Let me thank my colleagues for their support and for this big job, and it is a big job.

I think all of the Members who I have worked with over the years know how I operate. I am a Republican. I believe in Republican principles. But this is the people's House. It is to represent all of the people. And while I want my party to win every day, I want us to win fairly and honestly. And so I will say to all of you, I am going to do my best for the people's House. You may not agree with every decision we make every day, but I think all of you know in the marrow of my bones I believe in fairness.

As I have said before, when you have 11 brothers and sisters and your dad owned a bar, you have learned a lot of lessons along the way.

APPOINTMENT OF CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

MOTION TO INSTRUCT OFFERED BY MR. NEAL OF MASSACHUSETTS

The SPEAKER. The pending business is the vote on the motion to instruct on H.R. 4297 offered by the gentleman from Massachusetts (Mr. NEAL) on which the yeas and nays are ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER. The question is on the motion to instruct.

The vote was taken by electronic device, and there were—yeas 185, nays 207, not voting 40, as follows:

[Roll No. 7]

YEAS—185

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinojosa
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shuster
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wu
Wynn

NAYS—207

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany

Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—40

Ackerman
Berman
Bilirakis
Blumenauer
Bono
Boyd
Cannon
Capps
Costa
Costello
DeGette
Doyle
Everett
Foley
Gallegly
Gilchrest
Gonzalez
Goode
Hinchey
Honda
Hooley
Istook
Jenkins
LaHood
Lee
Lewis (GA)
McCollum (MN)
Miller, Gary
Moran (KS)
Osborne
Rush
Shaw
Slaughter
Stupak
Sullivan
Visclosky
Wamp
Waxman
Wolf
Woolsey

□ 1924

Mr. GRAVES and Mr. KENNEDY of Minnesota changed their vote from ''yea'' to ''nay.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 7. Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore (Mr. REHBERG). Without objection, the Chair appoints the following conferees:

Messrs. THOMAS, McCRERY, CAMP of Michigan, RANGEL, and STARK.

There was no objection.

ELECTION OF MEMBERS TO STANDING COMMITTEES OF THE HOUSE

Mr. GINGREY. Mr. Speaker, I offer a resolution (H. Res. 671) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 671

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Appropriations: Mr. DeLay to rank after Mr. Wolf.

Committee on the Budget: Mr. Campbell of California.

Committee on Energy and Commerce: Mr. Blunt to rank after Mr. Fossella.

Committee on Financial Services: Mr. Campbell of California.

Committee on Veterans' Affairs: Mr. Campbell of California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

A CALL FOR RELIGIOUS TOLERANCE AND PEACE IN THE WORLD

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have values in this country. We believe in the First Amendment that appreciates and celebrates freedom of the press and freedom of speech and freedom of religion and freedom of association. But it is important to note that with all of the trauma that we are experiencing around the world there should be something called religious appreciation.

I do understand that the Danish Government believes that the First Amendment is prime and a priority, but I also believe there is something for the government to say to the Muslim world, and that is that we do not condemn a religion that we do not understand and that we do have religious tolerance and religious appreciation. I call for tolerance and peace.

I ask those who have expressed themselves in violence to find other ways of expressing their opposition to the characterization of their religion through cartoons. I, too, find it to be an outrage, and I offer a sense of sympathy and appreciation for the dignity of the Muslim religion, of Islam. Because Islam is not terrorism, as the President of the United States has said.

So I hope that we will find a way and the Danish Government will find a way to not stand only on the principles of freedom of press, but that they will stand on the principle of religious tolerance, religious appreciation and respect. As we respect all faiths of this Nation, we should likewise respect the faiths of the many peoples of the world.

PROPOSAL TO CUT DEATH BENEFIT UNDER SOCIAL SECURITY

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

Mr. DOGGETT. Mr. Speaker, I was amazed a few minutes ago to have the Office of Management and Budget Director tell me in a committee hearing that the administration is eliminating the $255 death benefit available to widows and widowers under Social Security as a part of its great budget savings; justified, he told me, because that death benefit is anachronistic, to use his term.

Well, as far as I know, death is still occurring across America. There are poor widows and widowers for whom $255 is an important contribution toward the cost of a burial. The fault has been in not keeping that $255 benefit with the purchasing power it had for a widow or widower in the 1950s.

A benefit that goes back to 1939 under Social Security is one of the benefits that the President and this Republican Congress in their budget propose now to eliminate. It is wrong and I hope this House will reject this unfortunate move.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CAMPBELL of California). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MILITARY CHAPLAINS SHOULD BE ABLE TO PRAY ACCORDING TO THEIR FAITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I have read reports, received letters, and seen

documentation which verifies that suppression of religious freedom throughout our Armed Forces is a pervasive problem, affecting military chaplains from all denominations and religions.

Of particular concern is an incident involving Army Captain Chaplain Jonathan Stertzbach. This chaplain who is serving our troops in harm's way in Iraq was asked by another unit, whose chaplain had to return home to start chemotherapy after cancer was discovered, to serve the spiritual needs of the unit's soldiers in weekly movement to an undisclosed FOB (Forward Operating Base). During a mission, tragically, one of the soldiers was killed in action. The unit's Commanding Officer asked this chaplain to perform the memorial ceremony because he had bravely served the soldiers and risked his own life.

Before the memorial ceremony, the chaplain submitted two prayers for review. The Brigade Chaplain attempted to remove the chaplain from praying at the memorial ceremony because he concluded his prayer in the name of Jesus Christ. The chaplain, adhering to his conscience and faith tradition, said he would not strike the words Jesus Christ.

The unit's Commanding Officer intervened, explaining that Chaplain Stertzbach volunteered to serve a different unit outside of his assigned unit and placed his life in harm's way to provide for the needs of the unit's soldiers. The Commanding Officer instructed that Chaplain Stertzbach would pray according to his faith tradition.

After the incident, Chaplain Stertzbach's story reached the media. Consequently, his answers to the media and the incident surrounding the memorial ceremony resulted in Chaplain Stertzbach's removal from his chapel. This is unacceptable!

Since the beginning of our nation's military, chaplains have played an integral role, fulfilling the spiritual and emotional needs of the brave men and women who serve—and they have always prayed according to their faith tradition. It is in the best interest of our Armed Services and this nation to guarantee the constitutional right of military chaplains to pray according to their faith.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 2006.

LTG STANLEY E. GREEN,
Department of the Army, The Inspector General, Army Pentagon, Washington, DC.

DEAR LTG STANLEY GREEN: It has come to my attention that in all branches of the military it is increasingly difficult for chaplains to pray in adherence to their faith. I have read reports, received letters, and seen documentation which verifies that suppression of religious freedom throughout our Armed Forces is a pervasive problem, affecting military chaplains from all denominations and religions. Of particular concern is an incident involving Army Captain Chaplain Jonathan Stertzbach of the 3–6 FA HHB in Iraq. I am writing to request that the Army Inspector General investigate whether Chaplain Stertzbach was illegally removed from his chapel.

This chaplain who is serving our troops in harm's way in Iraq was asked by another unit, whose chaplain had to return home to start chemotherapy after cancer was discovered, to serve the spiritual needs of the unit's soldiers in weekly movement to an undisclosed FOB (Forward Operating Base) as well as his own battalion. During one of the missions, tragically, one of the soldiers was killed in action. The unit's Commanding Officer asked this chaplain to perform the Memorial Ceremony because he had bravely served the soldiers, and gone to the risk of convoying to the FOB (Forward Operating Base) weekly.

Before the Memorial Ceremony, the chaplain submitted two prayers and a meditation for the Division Chaplain and his direct supervising chaplain to review and was approved. The Brigade Chaplain, having just arrived from Fort Drum, attempted to remove the chaplain from administering the prayers of the Memorial Ceremony because he concluded his prayer in the name of Jesus Christ in a public forum. The chaplain, adhering to his conscience and faith tradition, said he would not strike the words Jesus Christ.

The unit's Commanding Officer intervened, explaining that Chaplain Stertzbach volunteered to serve a different unit outside of his assigned unit and placed his life in harm's way to provide for the needs of the unit's soldiers. The Commanding Officer instructed that Chaplain Stertzbach would pray according to his faith tradition and the prayers that he had already submitted. The Brigade Chaplain told him to qualify his prayer at the beginning with ''Please pray according to your faith tradition, as I pray according to mine'' and then close the prayer with ''in thy name we pray, and in Jesus' name I pray.'' Chaplain Stertzbach delivered the Memorial Meditation and prayers for the fallen hero, but still followed orders with the 'qualifier' remaining in place.

After the incident, Chaplain Stertzbach's story reached the media. The chaplain was directly contacted by the Washington Times and referenced in a Washington Times January story. Chaplain Stertzbach's incident was not printed, but he was quoted as saying the following:

''You need to allow people to pray according to their faith group. Many faith groups do not pray in general and generic terms . . . For Christian groups, the name of Jesus is from where all the power comes.''

I believe Chaplain Stertzbach answered questions fairly, accurately, and within his legal rights. Consequently, his answers to the media and the incident surrounding the memorial ceremony resulted in Chaplain Stertzbach's removal from his chapel.

I am concerned that Chaplain Stertzbach was removed without justification. Again, I am requesting that you investigate this incident and provide an explanation.

Sincerely,

WALTER B. JONES,
Member of Congress.

REMEMBERING STAFF SERGEANT MICHAEL DURBIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, he was buried yesterday in the National Cemetery in Houston, Texas. Monday I met with his parents, Jerry and Teresa, in their home in Humble, Texas, and I am talking about Army Staff Sergeant Michael Durbin. He was born on July 6, 1979, in Houston, Texas. He grew up in Spring, Texas, and attended Nimitz High School where he earned the nickname ''Iceman.'' He excelled in sports and was the quarterback on the football team. He also ran track and played on the baseball team. He was the oldest of five kids, and his father said, ''When he entered a room, he drew everyone's attention.''

He attended Kingwood College before deciding to enlist in the Army in 2001 at the age of 21. His goal in life was to someday work for the CIA, and he enlisted in the hopes that the military would be a quick route toward that goal.

He met his wife Janelle while working together at a Houston computer store. They were married in 2001 and had a son Austin and a daughter Alyssa together. By the age of 26, Michael had already become staff sergeant in an air assault unit, and had bold aspirations of becoming a member of the elite and daring Delta Force.

Staff Sergeant Durbin had already served two tours of duty in the Middle East and was deployed for his third tour of duty in September 2005. Family members said he lived to serve his country, and 2 weeks ago during combat operations in Baghdad, Michael became the 194th Texan killed since the start of the war. He was killed when a homemade bomb exploded while he was on patrol. Michael was assigned to the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team of the 101st Airborne Division, Fort Campbell, Kentucky. By the way, Mr. Speaker, 1 out of every 10 Americans wearing the uniform tonight is from the State of Texas.

I have a photograph of Staff Sergeant Michael Durbin taken shortly before he received another stripe on his left sleeve. Several days before he was killed in Iraq, he sent his wife Janelle a bouquet of flowers, and she talked with him the morning he died. He called her to tell her that he was leaving for a mission, and he loved her and would be back in a few days. He loved playing with his kids and being in love with his wife. They would have celebrated their fifth wedding anniversary next month.

Michael will be remembered by his family and friends for his passion for computers. He was a gifted artist with a special talent for original cartoon characters and superheroes. He actually designed his platoon's boot camp T-shirt when he entered the Army.

With his entire life before him, and his aspirations to serve Americans, Michael risked everything to fight for the values and freedoms we as Americans enjoy this day and every day. He was fighting so the Iraqis can enjoy these freedoms as well.

With the death of Michael Durbin, this Nation lost a freedom fighter, a loving father, and, as his dad said, a perfect son.

I would like to extend my prayers and condolences to his parents, Jerry and Teresa; to his family, relatives and friends in Spring, Texas, and Fort Campbell, Kentucky; his wife Janelle; and his children Alyssa, Austin and Hayley. Michael touched the lives of many people in his 26 years, and our hearts are filled with gratitude for brave soldiers like Staff Sergeant Michael Durbin.

In the words of country singer Randy Travis in his song ''America Will Always Stand,'' he sings the following lyrics about the American soldier: ''Walking through the fires of danger, there are those who gave their lives. They're the world's greatest heroes, and we won't forget their sacrifice. So raise the banner called Old Glory. Let us join our fellow man. History will tell this story, America will always stand.''

Mr. Speaker, history will tell the story of all the brave soldiers like Staff Sergeant Michael Durbin who walked through the fires of danger for freedom for Americans.

That's just the way it is.

SRI LANKA PEACE PROCESS RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to ask that my colleagues join me in supporting a resolution I introduced today that urges the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam to engage positively in peace talks. I am deeply concerned about the ongoing violence caused by terrorism in Sri Lanka. The Liberation Tigers of Tamil, also known as the Tamil Tigers, is a group designated by the United States State Department as a terrorist organization. I hope this body can express its disapproval of the violence and instead voice full support for the resumption of constructive peace talks between both sides.

For over two decades, there has been armed strife between the Government of Sri Lanka and the Tamil Tigers, costing an estimated 65,000 lives. In a breakthrough agreement brokered by Norway back in 2002, the Government of Sri Lanka and the Tamil Tigers signed a cease-fire. Unfortunately, the Tamil Tigers have committed a number of violations, and the peace process has broken down.

On August 12, 2005, Sri Lanka's Foreign Minister was brutally assassinated by a sniper, and it has been widely acknowledged that the LTTE members had targeted him for some time. Though LTTE has denied any involvement, past history demonstrates that the group never claims responsibility for their crimes. There is now clear evidence, for example, that the Tamil Tigers ordered assassinations of India's Prime Minister Rajiv Gandhi, President R. Premadasa, and others. These patterns indicate that the Tamil Tigers were likely involved in Mr. Kadirgamar's assassination.

In addition to the death of Sri Lanka's Foreign Minister, the Sri Lanka Monitoring Mission has recorded over 3,000 violations of the cease-fire agreement by the Tamil Tigers. These violations include assassinations and abductions, particularly the forcible abduction of children for armed combat and kidnapping individuals for ransom.

This past December marked the bloodiest month since the cease-fire agreement came into effect in 2002. Nearly 70 people, about 40 of them from the Sri Lanka Army and Navy, have been killed as a result of the Tamil Tigers' guerilla actions. The Tamil Tigers continue to follow their past policy of denying any responsibility for these actions.

Mr. Speaker, it is important that the U.S. continue to reject the actions and violent tactics of the Tamil Tigers and apply international pressure to request that they begin conducting themselves in a responsible and credible manner. We must insist that the Tamil Tigers demonstrate a willingness to change, abstain from violence, and establish their commitment to the peace process.

The recent pledge to continue peace talks in February in Geneva, Switzerland, is encouraging, but it must include positive engagement by both parties. It is necessary that the Government of Sri Lanka and the Tamil Tigers renegotiate a cease-fire agreement and implement the agreement in a productive and successful manner so the hostilities do not resume. Without progress at the negotiating table, there is a real threat of another armed conflict.

Mr. Speaker, Sri Lanka is Asia's oldest democracy and remains a close friend of the United States. As the founder and current cochair of the Congressional Caucus on Sri Lanka, I encourage the Bush administration to take the steps necessary to support Sri Lanka during these trying times and continue to strengthen ties between the United States and Sri Lanka.

Mr. Speaker, I ask that my colleagues join me in cosponsoring this resolution. Congress must convey the importance of a constructive peace process and urge both parties to cooperative in good faith in order to find a fair and lasting resolution to Sri Lanka's armed conflict. It is time we ensure peace in Sri Lanka as well as greater stability throughout the South Asia region.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

URGING RELEASE OF DR. GONZALEZ-MEJIAS AND DR. DARIAS-MESA

Mr. MACK. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Nebraska (Mr. OSBORNE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MACK) is recognized for 5 minutes.

Mr. MACK. Mr. Speaker, I rise today to call attention to a great humanitarian injustice facing two Cuban refugee doctors and their families.

On April 10, 2002, Dr. David Gonzalez-Mejias and Dr. Marialis Darias-Mesa were notified by the U.S. Government that they had been awarded documents that would allow them to immigrate to America and begin a new life in freedom.

Unfortunately, the Cuban Government denied these doctors permission to leave Cuba with their spouses and children. They were told because they were doctors, they would have to remain in Cuba for another 3 years. However, their families were permitted to leave and now reside in Florida.

Three years later, in April 2005, the doctors again sought permission to leave Cuba. That permission was once again denied, and they were told they would have to remain in Cuba. Fearing the Castro regime would continue to block their exodus to freedom and reunification with their families, the doctors copied their original United States parole papers and made a desperate attempt to escape tyranny.

While on a boat fleeing Cuba, they were picked up by the United States Coast Guard and turned over to the Bahamian Government along with 17 other Cuban nationals at Cay Sal in the Bahamas. Unlike the other refugees, Dr. Gonzalez-Mejias and Dr. Darias-Mesa had been awarded an authorization for parole of an alien allowing them to enter the United States, and they should not have been turned over to the Bahamian Government. But they were, and since then they have been detained in the Bahamas in deplorable conditions.

Since June, the United States Government has actively sought the release of the doctors to U.S. custody and to prevent their repatriation to Cuba. However, despite numerous official requests for their release and meetings between our governments, including a meeting I had with the Bahamian Ambassador to the United States, the Bahamian Government continues to debate, deliberate and drag its feet about releasing these doctors to our custody.

Mr. Speaker, the time is past due for the Bahamian Government to release these doctors to the United States. Our two countries have always enjoyed strong relations, and we all want that friendship to continue without question or concern. But in this matter, the Bahamian Government is not acting as friends should. They are denying liberty to two refugees who were awarded freedom by the United States.

This past weekend I spent nearly 2 hours with the families of these doctors. I was moved by their incredible strength and faith that their family would one day be reunited. I was also

saddened by their long and needless separation, and outraged by the course of events that have torn their lives apart.

Mr. Speaker, I urge the Bahamian Government in the strongest possible terms to release Dr. Gonzalez-Mejias and Dr. Darias-Mesa to our custody, and I hope my colleagues will join me in this important humanitarian endeavor.

PRESIDENT'S BUDGET HURTS PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this administration will go down as the most antilife in modern history. The President's budget is a moral document. It should promote life. Yet the President's new budget released Monday makes the wrong choices. It irresponsibly hurts future generations and saddles them with gigantic debt. It hurts them, it hurts people. It is irresponsible.

Let us start with health care. The President's budget will hurt people. It is a health care budget that is antilife. The Bush budget carves out over $36 billion through 2011 from Medicare. Despite the fact that people cannot afford prescription drugs and costs are exploding, why is he forcing across-the-board cuts to future Medicare payments?

The chaos surrounding the new prescription drug benefit has already caused undue anxiety and lack of medication to thousands of our citizens too sick and too ill to fight back in lines at drugstores around our country. Seniors 80 years old with Parkinson's disease are being forced to go into drugstores confused without the help that they need. The President's budget is antilife.

At the same time, the President's new budget slashes our lead agencies to fight disease. They shortchange veterans' health care. Apparently, the Bush administration's idea of honoring service to our country is to make millions of veterans pay huge increases for health care costs that they have earned.

□ 1945

The President's budget proposal includes legislation that would raise veterans' premiums to over 100 percent on prescription drugs. Additionally, the Bush administration has shortchanged the Department of Veterans Affairs, leaving it short of needed funds to take care of the expected influx of tens of thousands of injured and disabled veterans returning from Afghanistan and the Iraq war. His veterans budget is anti-life.

The Bush budget offers words only and no substance to thrust our Nation into a new era of energy independence. For hard-hit consumers, he has offered nothing. His policies, however, allow the huge oil giants to rack up even more profits. Take ExxonMobil that just racked up the largest profit of any corporation in U.S. history, $36 billion in profits in just 1 year. Their profits in 1 year were larger than the entire budget of the U.S. Department of Energy. It is interesting to note that Exxon's windfall lifted the combined profits of the 2005 oil giants to $63 billion, three times the size of the entire Department of Energy. His energy budget is anti-life.

There are people freezing and getting flu around this country because they have to set their thermostats down. His budget is anti-life. He refuses to see those people.

If the President was serious about helping people, he would be committed to making our Nation energy independent. He would have made new fuels a centerpiece of his State of the Union address. Instead, his budget eliminates all funding for new fuels to help expand the production of ethanol and biodiesel. His budget cuts renewable energy loans, bioenergy support value-added to help small companies get a start up. By almost $100 million he shortchanges them.

And yet if we look at oil company profits, they have allowed CEOs in those firms to double their salaries and drive up their political contributions by a staggering $450 million in the past 6 years. They know how to cash in. But what a great injustice to the vast majority of people. Their heating bills are going up. They are paying for gasoline. They do not have any sweetheart deals in this town to cut their taxes.

If you look at the weatherization program, the President is reducing funds there. If you look at the winter heating assistance program, the people applying have reached a 12-year high, but his budget is over $2 billion short, $2 billion short of what is needed just to take care of the people that we needed to take care of last year. But the oil companies have a $63 billion profit, just the top three companies. What is wrong with this picture?

He has cut first responders. We know he has not gotten help to people affected by Katrina and Rita in the gulf.

And this says nothing about how his budget is anti-life against the youth of our country and children by causing tuition to go up at all of our schools. The Bush budget fails the moral test. It fails the ill. It fails our youth. It fails the future. It is the most anti-life budget in American history.

The SPEAKER pro tempore (Mr. CAMPBELL of California). Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN HONOR OF THE BIRTHDAY OF MRS. HELEN GINGREY

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I would like to take my time this evening to address the House regarding a very important person, someone who has meant so much to me and without whom I could not be here today. Mrs. Helen Gingrey turned 88 today, February 8, 2006. I know that you, Mr. Speaker, along with all Members of this Chamber, Republicans and Democrats, will want to join me in wishing Mom a happy birthday.

It is important in this day and age for children to grow up in a strong family environment like the one my parents provided for me. And I would hope that as I continue my time in the United States House of Representatives representing the people of Georgia's 11th Congressional District, that my colleagues and I would always keep an eye on how our actions will affect the American families who are struggling to raise their children and to make ends meet.

Mr. Speaker, my mother has had a great life and has been a blessing to both her community of Kalmia Landing and Aiken, South Carolina and her family. Helen Gannon Gingrey is the daughter of Irish and Scottish immigrants. She was born in New York. She grew up in Astoria, Queens before marrying my father and moving to Edgefield, South Carolina.

My father, James Franklin Gingrey, Jimmy, a native South Carolinian, had moved to New York as an impoverished 16-year-old with little means of support. Several years later he had the good fortune of meeting my mom while he was working his way through New York City night school, and they married 8 months later. Shortly thereafter, Mom and Dad headed south with my 3-month-old brother in tow. While neither of my parents had the opportunity to obtain a college education, they worked hard in several small family businesses to assure that each of their three sons, myself, my brothers, Bill and James, got that college education.

Mr. Speaker, my dad and my mother were married for 44 years until his death in 1980. The ideals my parents instilled in me are ones of hard work, good education, personal responsibility, respect for others, love of family and country, and love of God. These are not only good principles for rearing a child, but they are also good guidelines for the initiatives we will continue to work on here in this 109th Congress.

Therefore, Mr. Speaker, I urge the House to use the example and the principles of Mrs. Helen Gannon Gingrey

and all loving mothers like her to set an agenda that will work to strengthen and support the most vital components of our great Nation, the American family.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FREEDOM OF EXPRESSION

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to speak in the gentleman from California's place.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, many of us want to join in wishing Mrs. Gingrey a happy birthday. And I guess we would say it is 8 o'clock, and she knows where her son is tonight at least.

Mr. Speaker, I am troubled by the assault on freedom of expression that we are seeing in the world today. I want to be very clear. The newspaper in Denmark, the name of which I will not even try to pronounce, had every right to print the cartoon. That does not mean the cartoon was not offensive or disrespectful. Free speech, freedom of expression means nothing if it does not mean the right to be mean and disrespectful and obnoxious. It is easy to be for free speech when it is polite and civil and when you agree with it.

One of the dangers that comes to free speech are those who say, well, yes, we believe in freedom of speech, but it should be respectful. We believe in freedom of speech, but it has to be reined in. No it does not. Freedom of expression means that as long as you are speaking or writing, as long as you are not acting, you are free to exercise what you think you need to say, what you think you need to write. Now, people who are offended by that writing have every right in return to be very critical and, indeed, even to boycott the organ that printed it.

But we see something today that is terribly frightening that goes far beyond it. First of all, we see this extraordinarily disproportionate violent reaction. I am struck that in parts of the Middle East and elsewhere, people who were apparently not moved to action by death and destruction and murder and famine, are moved to violence because somebody printed a cartoon. The values of people who put a cartoon ahead of serious damage to individuals as a cause of outrage are seriously deficient.

But it is also wrong when people say they are going to put pressure on the entire nation of Denmark because it will not censor a newspaper. Again, people have a right to boycott the newspaper. People who exercise their free speech have to expect there might be a response. But what we are being told is that people are going to punish the entire nation of Denmark because that government will not censor a newspaper. That is a terrible threat to free speech. It would be a grave error for the country of Denmark to give in. When I read that people are going to boycott Danish goods, I am myself moved to try to go out and buy some Danish food. I wish some of it was not quite so fattening, from what I look at.

But we must repudiate the notion that it is legitimate to punish the government and the country of that government because it will not censor a newspaper. That is a terrible threat to free speech. It is a threat to free speech again when people defend the newspaper in such a halfhearted way or when people say, well, they should not have printed that, and we understand why people are doing this. And freedom of speech must be tempered by respect for the views of others. No, it must not.

And I speak as someone who has espoused that principle in a variety of categories. I am Jewish and I believe that the Nazis had a legal right to march in Skokie, as despicable as I thought that was, as much as I thought people ought to have expressed their disagreement. I am a patriotic American, but I would not vote to put you in prison if you burned the American flag. And I must say, let us have some consistency here. People who are for jailing those who disrespect the American flag seem to me ought to be thinking about what kind of reaction they are seeing now because people dishonored the prophet Mohammed.

There are people who put their religion ahead of their country. That is not necessarily an irrational or an immoral thing to do. Let us be very careful. And by the way, I think that newspapers in the Arab world have a legal right to print vicious anti-Semitic cartoons that deny the Holocaust, that talk about ''The Protocols of the Elders of Zion.''

Again, let us have some consistency here. The consistency ought to be this: people have a right to write or say whatever they wish. People who are offended by that writing or that speech are entitled to retaliate, nonviolently, but by boycotts, by criticism from the person who expresses it. But when we see this kind of violence, when it is suggested that a cartoon justifies violence, when people are halfhearted in condemning the violence, when we have people say that it is legitimate to punish a government, not for publishing a cartoon, but for failing to censor the publication of that cartoon, then free speech is in danger.

So I think it is very important for us to say that people may have whatever view they have about the cartoon, but we must speak up against what is a growing systematic campaign of intimidation that will result in a diminution of those important freedoms.

HONORING THE LIFE OF NORTH CAROLINA SENATOR HAM HORTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, last week the State of North Carolina lost one of its finest citizens, North Carolina Senator Hamilton ''Ham'' Horton. I had the great privilege of serving with Ham for 10 years in the North Carolina senate. I considered him to be not only a great role model and mentor but a trusted friend.

Mr. Speaker, I rise today to honor Senator Ham Horton for leading a rich life of service to others. I rise in trepidation because Senator Horton was such a wonderful orator and my skills are so inferior to his in intellect and expression.

Hamilton Cowles Horton, Jr., was born in Winston-Salem, North Carolina, on August 6, 1931. He was the great-grandson of Calvin Josiah Cowles, who represented Wilkes County in the United States Congress and the great-grandson of William Woods Holden, who was the Governor of North Carolina following the War Between the States. Obviously, public service was in Ham's blood from the start.

Ham went on to receive his bachelor's and law degrees from the University of North Carolina at Chapel Hill. He served nine terms in the general assembly, one in the House, and the remainder in the State senate.

During his time in the general assembly, Ham gave impassioned and eloquent floor speeches on a wide range of topics. Whenever he took to the senate floor, Ham commanded the respect of everyone in his presence, Republicans and Democrats alike. I often said he was like E.F. Hutton: when he spoke, everyone listened. Ham had a strong sense of justice and doing what was right. He was an ardent supporter of the individual liberties bestowed by our Founding Fathers.

I will never forget when State inspectors tried to shut down a Winston-Salem market because it sold slices of country ham, Ham promptly introduced the Country Ham Preservation Act to exempt small markets from regulation on meat preparation. After all, he said, the only difference between tasting wine and tasting ham is that you spit out the wine and no one has been known to spit out the ham.

In all of my years in the senate, I have never seen a bill move so quickly. The senate passed the bill just 2 days after Ham filed it. Then the State House passed it the following day.

□ 2000

Ham had a gift of bringing people together, despite partisan differences, to

do what was best for our State. The North Carolina Senate Republican leader Phil Berger once said that Ham ''harkened back to another age in the Senate, an age when there was debate that focused greatly on the merits of the issues rather than politics and personality.'' Likewise, the editorial page of the Winston Salem Journal wrote, ''If only America could have more political leaders like Ham Horton. Smart, talented, intellectual, yet in touch with every man. A staunch conservative who saw liberals as his opponents, not his enemies. A man who understood that politics is the art of working with others . . . In an era of politicians who rage with anger, questioning the morality, patriotism, and goodness of those with whom they disagree, Horton never had a disagreeable thing to say to anyone. He just took their arguments apart the way a chef carves a turkey.''

At Ham's funeral at Calvary Moravian Church last week, the Reverend Lane A. Sapp noted that Ham acknowledged his Lord with a life of unselfish service, whether he was ''serving as someone's lawyer, representing his constituents in Raleigh, serving on a church board or agency, or helping someone in need.'' Ham cared about helping others more than he cared about helping himself. Despite his difficult fight with cancer, he recently asked his daughter Rosalie to drive him to Raleigh for a Senate committee meeting. When asked why he did not stay home and rest, Ham responded, ''I took an oath to serve my constituents and I must fulfill it.''

Reverend Sapp put it eloquently when he said, Ham Horton was a man who took to heart Jesus' parable of the talents, using the blessings given by God, not hiding or squandering them for his own use, but using his gifts in service to others, whether it was caring for his wife Evelyn and daughter Rosalie; serving his beloved Moravian Church, his Nation, or the State of North Carolina. Ham Horton was a good steward of all he had been given, and he never became too important that he forgot the call to humble service. In this he emulated his Master, who once told his quarreling disciples that ''whoever would be great among you must be your servant,'' Matthew 20:26.

As I said, Ham was my mentor and someone for whom I had the utmost respect. Anytime I had the privilege to be with him, I went away as a better person because of him. He was a great calming influence on me, and I will miss his wise counsel more than I have words to express.

Mr. Speaker, my thoughts and prayers are with Ham's wife Evelyn, and daughter Rosalie and his extended family. May God bless them and comfort them during this difficult time. The State of North Carolina is fortunate to have been served by Senator Hamilton Horton. He was truly a blessing to everyone whose life he touched, and there were many. Ham Horton will be sorely missed.

FOLIC ACID AWARENESS

The SPEAKER pro tempore (Mr. CAMPBELL of California). Under a previous order of the House, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, every year in the United States, thousands of babies are born with serious, preventable birth defects of the brain and spine.

Spina bifida, the most common neural tube defect, is the leading cause of childhood paralysis. Anencephaly, a neural tube defect of the brain, is always fatal.

To bring attention to this preventable tragedy, we highlighted National Folic Acid Awareness Week as part of January's National Birth Defects Prevention Month. Since we were not in session at the time, I will take this opportunity to focus on the public health significance of folic acid and the important role it plays in the prevention of these devastating neural tube birth defects.

The value of folic acid became clear in 1991 when absolute scientific evidence showed that a daily supplement of synthetic folic acid could prevent spina bifida and anencephaly in most pregnancies. In 1992, the finding led the United States Public Health Service to recommend that women, beginning at puberty and continuing through their childbearing years, take a daily dose of 400 micrograms of folic acid.

It was in response to the Public Health Service recommendation that I authored the Folic Acid Promotion and Birth Defects Prevention Act. This act authorized the CDC to develop programs to educate health professionals and the public about the importance of folic acid consumption. I am very pleased that this bill became law as part of the Children's Health Act of 2000.

The Food and Drug Administration also responded to the need to increase consumption in the general population by requiring the addition of folic acid to enriched grain products like bread and cereal. It is important to note, however, that new evidence has found that the current fortification level of grains is not adequate for full protection against birth defects. Nevertheless, over the past 10 years, our efforts have succeeded in increasing the consumption of folic acid. This has resulted in a considerable decline in the rate of spina bifida and anencephaly.

The fact remains, however, that last year approximately 3,000 babies in the United States were born with preventable neural tube defects. Recent studies show that despite our efforts, only 40 percent of women ages 18 to 45 take a daily vitamin with the recommended level of folic acid. And Latino women, who have almost double the likelihood of delivering a baby with a neural tube defect, have the lowest reported folic acid consumption of any racial or ethnic group.

Mr. Speaker, there is no doubt we have considerable work ahead of us in order to adequately protect our newborn babies from preventable neural tube birth defects. It is therefore our duty and our obligation to, first, increase our efforts to inform all women of childbearing age of the essential role folic acid plays in protecting their babies from spina bifida and anencephaly; second, to increase the required concentration of folic acid in enriched grain products as recommended by the American Academy of Pediatrics, the CDC, and the March of Dimes.

And, finally, it is our duty and our obligation to encourage manufacturers to fortify cornmeal products with amounts of folic acid that meet the FDA requirements. This recommendation is especially critical to our Latino communities, which consume large amounts of the unfortified corn flour sold in the United States.

Mr. Speaker, we have the knowledge and the ability to prevent the majority of neural tube defects in this country. It will be a tragedy if we choose to ignore this compelling public health challenge.

I urge my colleagues to work with me in the 109th Congress to support policies that enrich our foods with sufficient folic acid and to strengthen CDC's national folic acid education campaign. By working together, we can and will save thousands of babies and families from the suffering and the pain of neural tube defects.

THE BUSH ADMINISTRATION'S EPA BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, today I rise because I believe that working Americans deserve a Federal budget which is compassionate, decent, hopeful, and accountable to their needs. Yet the budget shortchanges many environmental programs designed to protect public health and improve our communities' quality of life. It cuts funding for environmental justice programs by 28 percent and cuts funding for clean water infrastructure by $199 million. It also fails to address the more than $300 billion gap in drinking water infrastructure, funds for brownfields cleanup and redevelopment at less than 20 percent of what Congress has authorized, and zeroes out funding to bring more green space to our communities.

These cuts, Mr. Speaker, have very real implications on the quality of our health and our communities. Let us first consider the 28 percent cut in funding for environmental justice. For decades minority and low-income communities have lived in close proximity to industrial zones, power plants, toxic waste sites. These are the communities

nationwide whose health and quality of life are negatively impacted most by environmental injustices. For example, 5.5 million Latinos live within a 10-mile radius of a power plant, and 68 percent of all African Americans live within 30 miles, the range where health impacts are most severe. Over 70 percent of all African Americans and Latinos live in counties that violate the Federal air pollution standards, compared to 58 percent for nonminorities.

The administration is allegedly committed to protecting low-income and minority communities; yet the budget is just one of several actions taken recently which puts this commitment in doubt. Last year the Bush administration proposed removing race and income as considerations of environmental justice. Removing these considerations, in my opinion, would significantly disadvantage those communities which are already disproportionately affected by environmental toxins and the least able to defend and empower themselves.

Most recently the Bush administration proposed changing toxic reporting requirements to benefit polluting industries at the expense of the health of this Nation's communities. In California, the State I represent, this would include nearly 60 ZIP codes, over half of which have at least 45 percent minority residents and large proportions of people living well below the poverty line.

This budget also shortchanges our water infrastructure and water providers. It cuts funding for the Clean Water Revolving Fund by $199 million and funds safe drinking water infrastructure at 10 percent below last year's level. Yet our water infrastructure needs at least $300 billion invested just to maintain current services.

President Bush's budget fails to adequately address the more than 119,000 confirmed releases at underground storage tanks, like the more than 1,000 in my congressional district alone, and that is in Los Angeles. In the interim the onerous burden of shoring up our water infrastructure and protecting supplies falls on our cities, our States, and ultimately the water providers.

The budget fails the one in four Americans that live within 4 miles of a Superfund site, including 10 million children under the age of 12. There are three such sites in my own community. In fact, EPA itself admitted publicly the serious problems facing Superfund site cleanup. On December 2, 2004, then Assistant Administrator Thomas Dunne noted: ''For the last 3 years, we haven't started cleanup at some new sites. If we assume that EPA's budget will remain flat for the foreseeable future, construction funding could be delayed at more and more sites. Within a few years, unfunded cleanup work could total several hundred million dollars.''

Yet President Bush's budget is $100 million less than the request which was made in 2004 and $20 million less than the fiscal year 2005 request.

Ultimately, the budget forces our country to continue to fall behind in its commitment to clean water, further disadvantages environmental justice communities like the one I live in, and passes the buck to our States. The Bush administration is putting its own policies above science, above the needs of public health, the environment, and our communities, and yet this administration is not being held accountable. Not once in the last 6 years has the Bush administration defended its budget in front of the Energy and Commerce Committee. Not once. It is well past time for this administration to defend its policies on environmental justice, water infrastructure, brownfields, and Superfund sites, where failures such as these will be even more costly for our country.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

(Mr. WYNN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 80. Concurrent resolution relating to the enrollment of S. 1932.

□ 2015

THE ECONOMY

The SPEAKER pro tempore (Mr. CAMPBELL of California). Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, I have taken out this Special Order this evening because in the past several weeks and months we have seen a wide range of public opinion polls, including one that came out just recently from ABC News and The Washington Post showing that an overwhelming majority of the American people believe that we have an economy that is, if not in recession, in deep, deep trouble. For some reason, there is a perception that the U.S. economy is in the tank.

Today, in the East Room of the White House, President Bush signed the budget reconciliation bill, the first time since 1997 the Congress tackled a measure to reduce by $39 billion the so-called entitlement spending which goes on without interruption unless the Congress takes action, and we did so in this body. It took, unfortunately, only Republican votes in both the House and the Senate to do it, but we were able to rein in the spiraling increase in spending. More needs to be done, but we took that first step.

Today, in the East Room, as the President prepared to sign that measure, he began talking, Mr. Speaker, about the tremendous improvement that we have seen in our economy. We all know that everyone is entitled to their own opinion, but no one is entitled to their own facts. So for that reason, Mr. Speaker, I feel compelled to offer some prepared remarks about the state of our economy, the challenges that lie ahead, and the work that we have done and the work that we need to continue to do.

It was just last Tuesday night, a week ago last night, that President Bush stood right behind where I am here and addressed a joint session of Congress, delivering his State of the Union address. Since 1934, Presidents have delivered such a speech following the first of every year.

In much that same way that we Americans take stock every new year, assessing the present and looking forward to the future, the President came here to this Chamber to describe where we stand as a Nation and where his leadership will be focused in the coming year. President Bush spoke about the strength of our Nation, our economy, our troops, our resolve. He also spoke about the challenges we face, the war on terror, maintaining our leadership in the global economy; but despite these challenges, we face a very promising future.

As President Bush said, and I quote: ''And so we move forward, optimistic about our country, faithful to its cause, and confident of the victories to come.''

During the speech, Mr. Speaker, I was reminded of the optimism of Ronald Reagan when his Presidency began exactly 25 years ago last month. As my colleagues surely remember, pessimism in January of 1981 would have been

well-founded. Economic growth was erratic, inflation was out of control, unemployment was abysmally high, interest rates were soaring through the roof, and communism, as we all know, was a global menace. Violence and chaos were spreading throughout Central America, right in our own backyard, in this hemisphere. Yet, Mr. Speaker, President Reagan was optimistic because he believed in the American spirit.

In his inaugural address on January 20, 1981, again 25 years ago just this past month, he said, and I quote: ''If we look for the answer as to why for so many years we achieved so much, prospered as no other people on Earth, it was because here in this land, we unleashed the energy and individual genius of man to a greater extent than has ever been done before.''

Mr. Speaker, Ronald Reagan knew that when Americans are freed from the burdens of an intrusive government and are empowered to work hard and achieve success, we prosper. That is why Ronald Reagan embarked on an 8-year crusade of cutting taxes, reducing burdensome regulation, and opening up new global opportunities through free trade.

When we look at everything that has been accomplished in the 25 years since Ronald Reagan spoke those words, we see clearly that he was right to be optimistic, to have faith in the American spirit. But while Ronald Reagan had little more to go on than that faith, today we do have facts.

If we take a look at all the indicators of the strength of our economy, it is clear that we face a very promising future. I would like to take the opportunity to review these positive indicators, examine the policies that got us here, refute our economic nay-sayers, and outline our path to an even brighter future.

As The Wall Street Journal recently reported, over the past 277 months, our economy has been in recession for only 15 of those 277 months. Ninety-five percent of the time our economy has been growing and creating wealth. The 25 years since Reagan's first inaugural address have brought us 43 million new jobs and $23 trillion in new wealth. There can be no question that when Americans are not held back by government we fulfill our own best hopes for the future.

Today, with over 143 million Americans working, more than ever before in our history, it is very important to note that. Over 2 million payroll jobs were created last year, according to the payroll survey. The household survey demonstrated even stronger job growth than that, with over 2.6 million new jobs created in 2005 alone. This strong pace of job creation has resulted in an unemployment rate of 4.7 percent, the lowest rate in 4½ years, and below the average of the 1970s, the 1980s, and the 1990s.

Not only are more Americans working than ever before, but more of our fellow Americans own homes than ever before in our Nation's history. Greater household wealth and rising living standards have resulted in a homeownership rate of nearly 70 percent. These gains have been achieved across a broad demographic range, as minority homeownership is also at an all-time high of over 51 percent. Household income and wealth are at all-time highs. Household net worth grew 11 percent in the last year alone. Real hourly compensation is steadily rising. Real after-tax income has grown 7.2 percent since the 2003 tax cuts were put into place.

America's working families are experiencing greater prosperity, greater financial autonomy, and an ever-improving quality of life. Growth in gross domestic product, the broadest measure of economic strength, tells the same story.

The GDP grew at 3.5 percent in 2005, as the President pointed out today in the East Room of the White House. Despite a dip in the fourth-quarter growth, the annual rate was very strong, and analysts predict a growth rate as high as 4 percent or more in the first quarter of this year. This robust growth is responsible for tax revenues surging to their highest levels ever. Total tax receipts were up 12 percent in December as the Treasury Department announced the first monthly budget surplus in years.

Perhaps the most telling and significant indicator of our economy's strength is productivity growth. Since the end of 2001, the recession that existed in 2001, productivity has increased at the fastest rate since World War II. Averaging at a pace of 3.4 percent growth annually, workers are now over 17 percent more productive than they were in 2001. Let me say that again: productivity, one of the most important gauges of success, is up to the point where workers today are 17 percent more productive than they were just 5 years ago.

These numbers are so important because no factor is more critical to long-term sustainable growth and increasing standards of living than improved productivity. It is essential to maintaining steady creation of increasingly better paying, better quality jobs.

Let me continue in my presentation in which we are talking about the level of productivity which has surged in the past several years and is such an important, important gauge of the kind of economic success that we are enjoying.

It is amazing. Given the storms of our economy, what we have weathered since the stock market bubble burst back in 2000, this level of strength and vitality that we have seen in productivity is truly astounding. In order to give the numbers some additional context, I think it is very useful to compare our current economic circumstances with the same point in the previous business cycle just over a decade ago.

In April of 1995, we were 4 years out of the recession that existed in the early 1990s, just as we are today 4 years out of this past recession. Mr. Speaker, by virtually every measure, our current expansion economy is stronger and more promising than the expansion economy of the spring of 1995.

Today, we have an unemployment rate of 4.7 percent, as I said earlier. In April of 1995, unemployment was more than a full percentage point higher at 5.8 percent. Furthermore, employment is stronger today across minority demographics.

The current unemployment rate for African Americans is 8.9 percent. In April of 1995, a little more than a decade ago as we were 4 years out of economic recession, this rate was at that point nearly two points higher for African Americans than it is today. It was 10.7 percent versus the 8.9 percent unemployment rate for African Americans today.

The improvement for Hispanics is even greater. Today, the unemployment rate for Hispanics is 5.8 percent. At this point during the last expansion, April of 1995, the rate was 8.9 percent. That is 8.9 percent Hispanic unemployment at that point. Today, Hispanic unemployment is at 5.8 percent, a difference of almost three full percentage points.

Clearly, minority workers, as well as the workforce at large, are facing a much brighter economic outlook. This pattern holds throughout nearly every major economic indicator.

The homeownership rate is nearly four points higher today than it was in April of 1995. Minority homeownership is 7.7 percentage points higher today than it was in 1995, as I say, at record levels of homeownership and minority homeownership. Annual growth in household net worth over the past year is nearly 3 points higher than it was.

Mr. Speaker, real hourly compensation is now growing at a rate of 1.2 percent versus an actual decline in April of 1995 of seven-tenths of 1 percent, that is, actually a decline took place 4 years out of the last economic recession that we reemerged from in the mid-1990s to today, real hourly compensation growing at 1.2 percent today.

Today, that all-important investor class, those who have investments, has grown to include 56.9 million American families as the stock ownership rate for Americans has risen to nearly 60 percent of all households, or 19 percentage points greater than it was in April of 1995. Again, that investor class, Democrats and Republicans, all the way across the economic spectrum, has grown dramatically. GDP growth is 1.3 percentage points higher than it was in April 1995, again, when we were 4 years out of economic recession.

Mr. Speaker, annual productivity growth, which is so fundamental, as I said earlier, to sustaining rising living standards is a staggering 10 times greater than it was at this same point in the previous expansion. The rate of

growth over the past 4 years at 3.4 percent is not only impressive for an expansion economy; it significantly outpaces historic rates.

□ 2030

From 1973 to 1995, productivity grew at 1.4 percent; 1973 to 1995, 1.4 percent. At that rate it would take 50 years to double the standard of living. But stronger growth has now put us on the path to double living standards twice as quickly as it did from that period of time between 1973 and 1995, that 22-year period.

We recently witnessed a symbolic reminder of the 1990s economy as the Dow Jones Industrial Average broke through the 11,000 mark on January 9, closing above 11,000, pierced a barrier that had not been surpassed since June of 2001 when our economy was several months into a decline that had become a recession.

And we obviously should not gauge the markets on a daily basis. Today we saw the Dow Jones Industrial Average up by over 100 points.

A great deal of fanfare accompanied the return of the stratospheric level of the late 1990s when the Dow hit 11,000. But this milestone was significant not only for the symbolism. Whereas what was called by Alan Greenspan, the former Chairman of the Federal Reserve, as irrational exuberance, it played a great deal in driving the Dow up to this level before, back in the 1990s, this time the Dow hitting 11,000, up 100 points today, as I said, was soundly grounded in sound economic and market principles.

Several years of strong, steady growth, rising incomes, more jobs, and a growing and increasingly prosperous investor class have led to sustainable gains in the stock market. We did not reach this level of economic strength by accident or by chance.

Many people talk about the cycle. I was listening to the radio this morning, and some people were saying, regardless of policies, we still see these surges take place in the economy, whether you have had tax increases or tax cuts. That is just plain wrong. Our economic strength is the direct and predictable result of an aggressive Republican agenda of progrowth policies, decreasing tax and regulatory burdens, expanding free trade and opening new markets around the world. Empowering entrepreneurs and small business owners to innovate, adapt and grow is critical to sustaining this kind of success.

These policies have created an environment that has increased the prosperity of Americans, created new opportunities, and brought about all of the positive economic news that I have discussed from job creation to home ownership. Perhaps the starkest illustration of cause and effect comes from those 2003 tax cuts.

The day the Senate passed those tax cuts, the Dow Jones Industrial Average was at 8,601. Again, the Dow was at 8,601 the day that the Senate passed those 2003 tax cuts. Today, as I have said, we have seen the Dow once again surpass 11,000, up 100 points today. It has remained close to that 11,000 mark.

During that time, the bull market propelled by our booming economy, since we put into place the 2003 cuts, has created $5 trillion in new shareholder wealth. The total return to stock investors since the tax cuts were enacted has been 41.3 percent.

Now, remember, that is not simply the rich. With nearly 60 percent of American families now members of the investor class, the total return to stock investors since those 2003 tax cuts has been, as I said, 41.3 percent.

We have seen the same direct benefit to job creation. Following the 2001 recession, the payroll jobs number hit its lowest point the very month the 2003 tax cuts were enacted. Since that time our economy has added nearly 5 million new payroll jobs. And as I have already cited, real after-tax income has increased by 7.2 percent over that same period of time.

Furthermore, we accomplished all of this while increasing Federal tax revenues. Revenues to the Federal Treasury have increased as a byproduct of implementing those 2003 tax cuts. Total receipts in 2005 were up nearly 15 percent. In all, tax receipts for last year totaled $2.2 trillion, the largest margin, the largest amount of revenues ever collected, ever collected in a 12-month period, $2.2 trillion. And that has all happened since we put tax cuts into place.

And I remember vividly debating my colleagues on program after program when they would say that if we put into place these tax cuts, we would see the U.S. economy go right into the tank, and we would see a great reduction in the flow of revenues to the Federal Treasury. The exact opposite is the case. In fact, tax receipts have been at record highs since last August when the previous 12-month record of $2.1 trillion was broken.

So, Mr. Speaker, let us review. By every major economic indicator, our economy is booming. Gains are being made by the economy at large, and by individuals of all demographics. Across the board the American people are benefiting. Our economic strength is remarkable by any standard, but it is even more impressive when compared to the same point, as I said, that previous postexpansion period, in April of 1995, 4 years out of the economic recession. The markets are returning to their bubble-era levels, but this time these levels are solidly grounded, as I said, in real growth.

And, finally, Mr. Speaker, all of those tremendous gains have been achieved through the Republican commitment to a progrowth agenda of lower taxes and greater economic freedom.

And yet incredibly, my colleagues on the other side of the aisle deny this good economic news. I have listened to the Special Orders that they have taken out here on the House floor, and I can understand if the American people simply listen to that message why they believe the economy is in the tank. And even more incredibly, they claim that our progrowth agenda is actually hurting our economy and bankrupting the Federal Treasury.

Now, it is one thing to predict failure at the outset. It is one thing to predict failure as they did when we were looking at implementing these tax cuts in 2001 and 2003. It is quite another to claim that our agenda has failed amid clear and overwhelming evidence of its success.

Mr. Speaker, our economy has recovered from the bursting stock market bubble, a recession, terrorist attacks, and corporate scandals. Our economy has weathered storms, literally and figuratively, such as Hurricane Katrina, high oil prices and stagnating growth that is existing for some of our trading partners in their economies.

Our economy, Mr. Speaker, has increased the prosperity of Americans, and all the while the rhetoric that we hear from the leadership on the Democratic side has remained constant. But we in the majority have worked, sometimes in a bipartisan way, but unfortunately not in concert with the Democratic leadership.

Well, we have worked to ensure everyone has the opportunity to pursue and potentially achieve the American dream. They have worked only to advance the myth of, you remember this line, two Americas. They have tried to instill that standard old but failed argument of us versus them, the class warfare mentality that disregards the truth, and tragically, Mr. Speaker, it greatly divides our country.

Now, Mr. Speaker, when perpetuating this myth that only a privileged few have access to the American dream, my colleagues on the other side of the aisle will frequently invoke the threat of outsourcing. Do you remember that word, outsourcing? You could not turn on cable television news without hearing that word outsourcing.

That is a term that you do not hear all that often anymore. Frankly, whenever they tried to explain away all of the positive economic news of the past few years, American jobs moving to places like China and India were usually held up as Exhibit A. They are still talking about it. They tell us of struggling plants such as the Paper Converting Machine Company in Green Bay, Wisconsin.

They tell us about how this company, PCMC, the Paper Converting Machine Company, and its workers faced some very, very difficult times. We are told that first the recession was bad for business, and then one of its biggest customers demanded drastically reduced prices, encouraging PCMC to outsource, to move production to China. And then when things could hardly get worse, PCMC was acquired by another company that cut workers

and cut pay. Throughout this whole process, sales for PCMC plummeted by 40 percent, and jobs were slashed from 2,000 American jobs to 1,100 jobs. Times were indeed very hard.

But, unfortunately, Mr. Speaker, what my Democratic colleagues, when they hold up that example of PCMC of Green Bay, Wisconsin, they do not tell the rest of the story. The story of PCMC does not end with lost jobs and plunging sales. They at PCMC had a strategy for reversing these losses and prospering once again, and it included the process of outsourcing to India.

They saw that they were losing orders because of the limits in their engineering department. So their chief engineer developed plans to utilize an engineering center in Chennai, India. Because U.S. and Indian engineers can now collaborate around the clock, PCMC has been able to expand their engineering services while making the whole process more cost-effective.

The result has been a strengthened U.S.-based company that continues to grow in Green Bay, Wisconsin. The CEO, Robert Chapman says and I quote, we can compete and create great American jobs, but not without offshoring or outsourcing.

This is the true story, Mr. Speaker, of the American economy. It is not a story of the haves and have-nots. It is not a story of doom and gloom. Mr. Speaker, the American economy thrives and grows, because when entrepreneurs face adversity, they have the freedom and flexibility to innovate, pursue new strategies and prosper. Allowing business owners to tap into the vast resources of the global economy is essential to our continued economic strength right here at home.

But you do not have to just take my word based on one anecdote of PCMC and their success. If all the positive economic data demonstrating the strength and vitality of the U.S. economy is not enough, the Information Technology Association of America, the ITAA, recently conducted a study on the direct impact of trade in services, otherwise known as offshoring or outsourcing. The study looked specifically at outsourcing in the IT field, the information technology field, and it found that trade in IT services is a clear net benefit for our economy. The new economic activity generated by increased trade in services ripples throughout the economy, creating jobs, boosting growth and increasing exports.

Specifically, this study that the ITAA did found that offshore outsourcing resulted in the creation of 257,000 net new jobs in 2005. Let me say that again, Mr. Speaker, because I realize it is counterintuitive. I was actually talking to the President today about this study, and I know that people have a difficult time understanding this. Offshoring, outsourcing, actually in 2005 created a net new job increase of 257,000 jobs, meaning if we had taken action here and somehow tried to stop that, it would have cost 257,000 new jobs that were created right here. And more than 337,000 net new jobs are expected to be created within the next 5 years, just from this issue of outsourcing.

It is true that greater engagement in the global economy contributes to a considerable churn in our workforce and accelerates the rate of change. And I am not going to stand here and claim that there has been no American who has been detrimentally impacted from this change. But we all know that change is inevitable, and we also know that the net increase in jobs that has taken place because of so-called outsourcing or offshoring has been dramatic, in excess of a quarter of a million net new jobs created in the last calendar year alone.

□ 2045

But as we saw with the manufacturer in Green Bay, PCMC, it creates new opportunities for American workers and ultimately leads to stronger job growth right here at home. Again, remember, we have a 4.7 percent unemployment rate, Mr. Speaker. So all of those people who predicted that outsourcing was going to wipe out the U.S. economy have got to recognize that we have the lowest unemployment rate that we have had in 4½ years, lower than the average for the 1970s, the 1980s, and the 1990s.

The study also demonstrates overall gains in economic growth. ITAA estimates that IT offshore outsourcing contributed an additional $68.7 billion in real GDP growth in 2005; $68.7 billion in real GDP growth right here in the United States of America because of so-called outsourcing, offshoring. Greater global engagement in IT services is expected to create another $147.4 billion in real GDP growth by 2010, within the next 5 years, 4 years now I guess.

Exports are boosted as well, Mr. Speaker, with an additional $5.1 billion in exports in 2005 and another $9.7 billion predicted by 2010. Again, $5.1 billion in new exports that have been a byproduct of policies that have included offshoring. These gains are an obvious and direct benefit to the workers who gain jobs and the business owners who boost both sales and revenue.

But the increased efficiencies and economic activities spread throughout the economy at large. These disbursed benefits, as I said to everyone, by lowering inflation, increasing productivity, and helping to keep interest rates low, the economic benefits of greater engagement impact every single one of us. We as Americans reap the benefits through higher wages, new opportunities, and rising living standards.

Opponents of open trade and a policy of global economic engagement paint outsourcing as an effort by, and you will recall this term that was used in the 2004 Presidential campaign, ''Benedict Arnold CEOs'' who supposedly exploit cheap labor overseas while American workers are suffering. But as I discussed, Mr. Speaker, the empirical as well as the anecdotal evidence proves precisely the opposite. When American entrepreneurs are free to leverage all of the world's resources, the result is new and better opportunities for workers right here in the good old United States of America.

The benefits of being free to globally engage are just further demonstration of what has always been true of the American economy: our strength lies in our ability to innovate. Change has always been an inescapable part of the American economy. We have grown from an agrarian economy, as we all know, to an industrial economy, to what is today's 21st century high-tech Information Age economy. We prosper not because we have resisted change. We prosper because we have used change as an opportunity to innovate, to think creatively, to adapt, and to grow. Outsourcing simply presents a new opportunity for the United States to maintain its role as the world's leading innovator.

The cost savings of outsourcing have enabled businesses to remain competitive and have spurred new economic activity. But business analysts agree that the real power of outsourcing is in enabling companies to innovate and transform themselves. The new buzz word in the business world is ''transformational outsourcing.''

Business Week recently noted: ''Many executives are discovering offshoring is really about corporate growth, making better use of skilled U.S. staff, and even job creation in the United States, not just cheap wages abroad.'' They go on to say: ''True, the labor savings from global sourcing can still be substantial, but it's peanuts compared to the enormous gains in efficiency, productivity, quality and revenues that can be achieved by fully leveraging offshore talents.'' Meaning that we can take advantage right here at home of utilization of offshoring.

Mr. Speaker, outsourcing provides an opportunity for businesses to stage 24-hour-a-day, 7-day-a-week operations. U.S. workers can collaborate with other skilled workers around the world. New solutions to old challenges can be explored. Limited resources can be shifted from routine low-tech processes to higher value-added activity. By tapping into all the resources the global economy offers, American entrepreneurs have the opportunity to revitalize struggling businesses, spur innovation, and develop new projects that would otherwise be impossible.

All of this potential has led many business analysts to believe that U.S. companies are on the cusp of a new burst of productivity, driven by this transformational outsourcing. We saw this worked for that manufacturing company that I have used as anecdotal evidence, PCMC, in Green Bay, Wisconsin.

Now let me go close to home for me. IndyMac Bancorp, Inc., which is a

Pasadena, California-based financial services company, is an example of a 21st-century services company that has made offshore outsourcing an integral part of its business model, and it is thriving.

Three years ago, IndyMac was the 22nd largest mortgage issuer in the United States. Today, Mr. Speaker, it is number nine and I believe moving up. IndyMac's consumer banking CEO credits its success in large part to their strategy of aggressive outsourcing. He has said that outsourcing has made IndyMac ''more productive, cost efficient and flexible than our competitors with better consumer service.''

Now, Mr. Speaker, by working with an Indian firm, IndyMac is developing new software platforms and applications that it expects will boost efficiency another 20 percent at least over the next 2 years. They have also moved 33 back-office functions offshore. Thirty-three of those back-office functions have moved offshore. And what has been the impact on job creation right here in the United States?

Mr. Speaker, by moving 33 of their operations offshore, IndyMac has doubled its American workforce to almost 6,000 in the past 4 years, and at this moment they continue to hire more Americans. All of this is possible because of the openness and flexibility of our wonderful U.S. economy.

Now, Mr. Speaker, our goal as Republicans is to reduce the burdens on workers and business owners and increase their access to the global economy.

Now, I mention the fact that Democrats have assailed, they talk about Benedict Arnold CEOs, they would say the CEO of the consumer bank operation, IndyMac, is some sort of Benedict Arnold CEO I am sure. And, of course, Democrats have proposed a massive tax increase and barriers to innovation and entrepreneurship. We as Republicans have pursued greater engagement. We have cut taxes, regulation, and other market barriers of entry. We have continued a policy of greater trade liberalization. We have worked to reduce the size and scope of government so that Americans are increasingly free to prosper.

In short, Mr. Speaker, we have continued the Ronald Reagan vision of hope and optimism in the American spirit. We have carried Ronald Reagan's legacy of empowerment and prosperity through greater economic freedom. Mr. Speaker, I wish that President Reagan could have seen last year's great milestone in the fulfillment of his vision, the passage of the Dominican Republic-Central American Free Trade Agreement. He had envisioned, as we all know, and announced it on November 6 of 1979 when he proposed his candidacy, he put forward his candidacy to be President of United States, he at that point did something that many thought was heresy. He proposed a free trade area of the Americas stretching from the Arctic to Tierra del Fuego, as President Reagan used to love to say.

When he first spoke, as I said, of this FTAA when announcing his candidacy, the idea seemed even more far-fetched than his optimism for the U.S. economy at his first inaugural address 25 years ago last month. Much of the Americas at that time, particularly Central America, as we all will remember, was ravaged by violence and dictatorship; and yet these last 25 years have seen the birth and growth of democracy and free markets in the region.

The passage of DR–CAFTA last year was hugely significant in pursuing that ultimate goal and vision that President Reagan put forward: first, as a further commitment to the region of greater political and economic freedom and liberalization; and, second, as a major stepping stone, as I said, towards implementation of that vision of the FTAA.

There may still be those who believe the idea of a free trade area of the Arctic to Tierra del Fuego to be far-fetched, and it is being undermined, we all know, by some leaders in this hemisphere; but Ronald Reagan and the continued Republican legacy have proved that any people can prosper when given the freedom to do so. We have seen this demonstrated right here at home throughout this region and, Mr. Speaker, in this hemisphere when we have seen improvements in trade opportunities developed.

We have seen it demonstrated worldwide, Mr. Speaker. Every year Canada's Fraser Institute publishes a report on economic freedom throughout the global, documenting the direct link between economic freedom and quality of life. The 2005 report finds that economic freedom continues to be determinative in individual well-being and opportunity. The report's authors at the Fraser Institute, in conjunction with nearly 70 public policy organizations from around the world, found that life expectancy in the world's economically freest countries is more than 25 years longer than in countries with the least economic freedom.

Freer countries have lower unemployment; those living in the poorest 10 percent demographic have much higher incomes and a much better standard of living in countries with high economic freedom than in those countries that are most restrictive.

Corruption in public office goes down as freedom goes up. Political rights, political stability, and civil liberties all go hand in hand with increased economic freedom. Year after year, the economic freedom of the World Annual Report finds the same thing. Everyone experiences greater prosperity with greater economic freedom while the world's poorest gain the most. By pursuing greater liberalization abroad through free trade, we help to increase prosperity for our allies and our neighbors. By reducing taxes, regulation and other economic burdens here at home, we increase the prosperity of Americans. And as we all engage in the global marketplace, we prosper together.

Ronald Reagan knew this to be true and then went on and proved it. President Bush and our Republican majority have built on this success by continuing to liberalize our own economy as we encourage our trading partners to do the same.

□ 2100

The result has been a strong and growing economy, new job opportunities, and a rapidly rising standard of living.

So when we look to the coming year, what is the path that we will choose? First and foremost, Mr. Speaker, we must remain committed to the agenda that gave us this tremendous success. This Republican Congress will continue to reduce the tax burden on America's working families. We will continue to reduce the size and scope of the Federal Government, as was evidenced today by the President's signing of that $39 billion reduction by signing the budget reconciliation package. We will work hard to reduce the size and scope of government, as I said, and to rein in the reach of the government by minimizing regulation and decreasing the bureaucratic red tape that strangles job creation. And we will continue to liberalize our trade relationships. We will continue to pursue more free trade agreements.

This agenda will not only continue to increase our prosperity; it will enable us to maintain our global competitive edge through innovation. The lesson of trade and outsourcing has been that global engagement has helped us to remain competitive. President Bush spoke a great deal about competitiveness at the State of the Union address. He spoke about it today when he announced, first here and again he is continuing to talk about this moving across the country, referring to his American Competitiveness Initiative. The President's plan will contribute an additional $136 billion to scientific research and the promotion of math and science education.

By strengthening the fundamentals of education, research, and with a well-educated, highly skilled workforce, we can ensure that we will continue our global competitiveness far into the future. As President Bush said when he stood right here in this Chamber last week, Mr. Speaker: ''The American economy is preeminent, but we cannot afford to be complacent.'' The President said: ''In a dynamic world economy, we are seeing new competitors. To keep America competitive, one commitment is necessary above all. We must continue to lead the world in human talent and creativity.''

Now, Mr. Speaker, in the coming months and years, this Republican majority remains committed not only to expanding economic freedom at home and abroad. We are fully committed to an agenda of competitiveness and innovation. As we begin this new legislative

year, it is important that we recognize where we are and how we got here, and look optimistically, as Ronald Reagan did, to the future.

I am very proud of the fact that we have achieved such economic success. As I said, everyone is entitled to their own opinion, but no one is entitled to their own facts. I am even prouder of what we have been able to achieve through our Republican pro-growth, pro-economic freedom agenda. And, Mr. Speaker, as Ronald Reagan said so well, he believed that the American spirit has the ultimate potential when it is unleashed, and that is why I join that spirit of Ronald Reagan, as I know President Bush and our Republican colleagues do, and we certainly welcome Democrats to join in this effort as we look optimistically, hopefully, and very confidently to our future.

As I said, Mr. Speaker, it is very important for us to note that many people have tried their darnedest to claim that somehow the U.S. economy is in the tank. I hope that what I have shared over the past few minutes, which provides both anecdotal, through companies like PCMC in Green Bay, Wisconsin, and IndyMac Bank in Southern California, that that anecdotal information shows the success that we are enjoying.

I also hope that the empirical studies done by the Information Technology Association of America, the ITAA, showing that a net 257,000 new jobs were created in 2005 because of so-called outsourcing and offshoring, and that the Fraser Institute study from Canada demonstrating that when you unleash potential through greater economic liberalization, standards of living grow, and even those at the lowest end of the economic spectrum in those countries have higher standards of living than those who live in restrictive societies, that those facts are understood by the American people so that the American people will have an understanding that the gloom and doom negativism consists of nothing but words, because the facts belie them.

THE PEAKING OF WORLD OIL

The SPEAKER pro tempore (Mr. CAMPBELL of California). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, sometime ago, our Department of Energy commissioned a study with SAIC, Science Applications International Corporation, to do a study on the peaking of world oil production, impacts mitigation, and risk management. This very prestigious scientific organization took some time to complete this study; and when they completed it, they made a recommendation to the Congress and to the Department of Energy. Part of what they said in their recommendation is included here:

''The peaking of world oil production presents the U.S. and the world with an unprecedented risk management problem.''

That is quite an adjective to use. No risk problem like this ever in the history of the world is what they are saying: ''. . . unprecedented risk management problem. As peaking is approached, liquid fuel prices and price volatility will increase dramatically. And without timely mitigation, the economic, social, and political cost will be unprecedented.''

Again, Mr. Speaker, they are pointing out, and they will use these words in a chart I will have a little later, that the world has never faced a problem like this.

''Viable mitigation options exist on both the supply and demand side, but to have substantial impact they must be initiated more than a decade in advance of peaking.''

When will peaking occur? Do we have a decade? And they are saying if we do not have a decade, we're going to have problems. Dealing with world oil production peaking will be extremely complex, involve literally trillions of dollars, and require many years of intense effort.

Our next chart, which speaks to the same phenomenon, inspired 30 of our leaders, Boyden Gray, McFarland, James Woolsey, and about 27 others, many of them four-star retired admirals and generals, to write a letter to the President. In that letter they said, Mr. President, the fact that we have only 2 percent of the world oil reserves, that we use 25 percent of the world's oil, and we import almost two-thirds of what we use represents a totally unacceptable national security risk. Mr. President, we need to do something about that.

Two other numbers here are of significance. We represent a bit less actually than 5 percent of the world's population, about one person out of 22. And in spite of the fact that we have only 2 percent of the world oil reserves, we produce about 8 percent of the world's oil. We need to keep this in mind for some of the later charts we are going to show, because what this means is that we are pumping our little reserves, only 2 percent, four times faster than the rest of the world.

If we were pumping it as fast, with 2 percent of the reserves, we would be producing 2 percent of the production; but we are producing 8 percent. So if the world is going to run into trouble with decreasing amounts of oil, Mr. Speaker, we are going to get there first because we are pumping our oil more rapidly.

How did we get here? The next chart speaks to that, and we need to go back about six decades. There was a scientist by the name of M. King Hubbert, who worked for the Shell Oil Company; and he noted the exploitation and exhaustion of individual oil fields. We would find an oil field, we would start pumping, and the oil field would reach a maximum production. And then after the maximum production, at about half of its total ultimate production, it would start falling off. No matter how hard they pumped, it would produce less and less oil, until finally the field petered out.

He rationalized that if he knew how many oil fields there were in the United States and roughly what their reserves were, and if he could predict how many new oil fields the United States would find, he could then add up all these little bell curves and he would get a big bell curve which would tell him when the United States was going to peak in oil production. So he did that in a paper in 1956, and he wrote in that paper that with this analysis he predicted that the United States would peak, and that was the lower 48 at that time, that the United States would peak in oil production and consumption of our own oil about 1970.

Right on schedule, and some authorities will say 1970 and some will say 1971, but as this chart shows, the smooth green curve here was his prediction peaking about 1970, and the more ragged large green symbols represent the actual production, which pretty much followed his curve. And it did peak, as you can see, at about 1970; and it has been downhill since then.

By 1980, we knew very well that we were downhill, and the early Reagan years provided a lot of incentives for drilling. There were a lot of oil wells drilled in our country. Notice the tiny increase from that. It simply brought us back to the curve that had been predicted by M. King Hubbert.

Now, the red curve here is the curve for the Soviet Union. They had more oil than we, and they peaked higher than we. And when the Soviet Union fell apart, you see that they broke away from the predicted decline. They are now going to have a second little peak here, and then it will be falling off. They will never get back to their earlier peak of oil production.

The next chart shows some detail about where our oil has come from through the years. And if you are looking only at the lower 48, you are going to be following this curve. And if you add to it the liquids that we are getting from gas, you will see that it still followed Hubbert's curve. It peaked in 1970 and then fall off.

But we found a lot of oil in Alaska. As a matter of fact, I have been there, Mr. Speaker, at mile zero, at Dead Horse, Prudhoe Bay. And through that pipeline has come for the last several years a fourth of all of our domestic production. But notice that in spite of that enormous find of oil in Prudhoe Bay, there was just a little blip on the downside of Hubbert's peak.

This yellow here on the chart is very interesting. That, you may remember, Mr. Speaker, was the fabled Gulf of Mexico oil discoveries. I remember how that was hyped. That was going to save us. There was plenty of oil there.

That was all it did, Mr. Speaker. It hardly slowed us down. In terms of the total amount that we were producing,

you can hardly see any effect of the Gulf of Mexico oil discovery.

We were thinking about that discovery and those wells in the recent hurricane. There are 4,000 wells in the Gulf of Mexico. By the way, Mr. Speaker, that is about 10 times as many wells as there are in all of Saudi Arabia. We have about 530,000 oil wells in our country, about 80 percent of all the oil wells drilled in all the world. Maybe that is why we are able to produce oil from our reserves relatively four times faster than the rest of the world.

The next chart looks back through history, and it shows two things. It shows two curves, one superimposed on the other. One of the curves is the discovery curve, and this shows when we found the big oil fields starting way back in the 1930s, and then a lot of them in the 1940s, and some big oil fields found in the 1950s. But notice that this follows kind of a curve like so, and it peaks at about 1970, and it has been falling off ever since that. In spite of very large profits from the oil companies, they are not finding much more oil.

I might note, Mr. Speaker, that the profits for the oil companies was inevitable. They do not set the price of oil. Chevron and BP and ExxonMobil, they do not set the price of oil. The price of oil is set by you and me and all the other roughly 7 billion people in the world who use oil.

□ 2115

We set the price by our demand relative to the supply. As supply has fallen off in the last several years, the price has gone up. Oil companies that were making money at $25 a barrel, how much more money do you think they will make when oil is $65 a barrel? We should not be carping about how much money they make; what we should be looking at is how responsibly they use the profits they make.

Some of those profits need to be invested in finding new oil fields, but the experts do not think there is much more to find.

Several Congresses ago I was chairman of the Energy Subcommittee on Science, and I wanted to determine the dimensions of the problem. We had the world's experts in to talk about how much oil is out there that we can realistically pump. There was general agreement, quite surprising agreement, that it is roughly 1,000 gigabarrels. Giga is used because in Europe a billion is not our billion so if you say billion, not everybody will understand it. So giga means a billion, and it means the same thing around the world.

A thousand gigabarrels is about a trillion barrels of oil. That may sound like a lot, but it is about the amount of oil that we have pumped so far in all of history. If you divide the 84 billion barrels a day that we are using today into that trillion barrels of oil, it comes out to about 40 years. Most of the experts believe we have found about 95 percent of all of the oil we will find. We now have very sophisticated seismic techniques with 3–D computer modeling. This is what they believe will be found, this gray-shaded area over here. It is not going to follow that smooth curve, but on average that is how much they think we will find.

The solid black line here represents the amount of oil we have been using. Up until about 1980, we always found more oil than we were using. There was always a big reserve out there. Since 1980, we have found less and less oil, and we have been using more and more oil. We have been able to do that because we are now using up some of these reserves we found before.

All of the oil that we can use has to be all the oil that is there. If you have not found it, you cannot pump it. So you make your own judgment how much oil you think we are going to find in the future, then you add that to the reserves back here. That is going to be the area under this curve from now on.

By the way, this 40 years that I mentioned, that is not a plateau. You do not plateau out for 40 years and then fall off a cliff. It is going to follow that typical bell curve of every oil field. By the way, 33 of the top 45 oil-producing countries have now peaked. It is only a few that have not peaked.

What will this curve look like from here on? We can change the shape. If we use some of our good recovery enhancement techniques, we can pump oil a little faster, and we may pump a little more, so we may get a little more out of these fields than depicted here. This is not all of the oil in the fields because probably half of the oil there will not get pumped because it is so difficult to get, it is going to cost more energy to get the oil than you get out of the oil. So you get to the point of you stop getting the oil. As the old farmer said, at that point ''the juice ain't worth the squeezing,'' so we stop trying to get oil at that point.

The next chart shows a simple schematic that depicts the problem and where we are. Everybody may not agree this is where we are. Most of the people that have thought about peak oil think we are here or will shortly be here. This is a 2 percent growth curve. With 2 percent growth, that doubles in 35 years. This point is twice that point, and so this is a 35-year period from here to here.

Notice what this chart points out is that you start having a problem before peaking because the exponential use curve, the demand curve keeps going up like this, whereas when we reach peak oil, it will of necessity level off, and then no matter what we do, it will inexorably go downhill after that. It does for individual oil fields. It has for the United States.

By the way, the same M. King Hubbard that predicted we would peak in about 1970, he was right on. He predicted that the world would peak about now. If he was right about the United States, maybe he is right about the world, and maybe we should have been paying some attention to that.

I would submit that we have now, in common parlance, we have blown 25 years when we knew very well M. King Hubbard was right about the United States. If he was right about the United States, would not it have been prudent to recognize that maybe he just might be right about the world? If he is right about the world, the world is about to peak in oil production now, then we should have been doing something during these last 25 years so this would be a smoother transition.

The next chart shows us the alternatives. As the world peaks in oil production, we are going to have to, first of all, turn to some finite resources, and we are now doing that. I will chat for a moment about those. And those will not last forever. They are finite, as the word implies, except for nuclear, which is kind of different. The only nuclear that is finite is light water reactors that use fissionable uranium. If we go to breeder reactors, as the term implies, you make more fuel than you are using, and that could go on and on. You have to accept the problems you buy there with the enrichment and moving fuel around that could make bombs and so forth.

Of course, the one thing that gets us home free is nuclear fusion. If we could harness the kind of energy that the sun sends down to us every day, we are home free. But, Mr. Speaker, the odds of our doing that are a bit like you or me solving our personal economic problems by winning the lottery. That would be nice, and by the way, I do not play the lottery, but I do not think that rational people count on solving their economic problems by winning the lottery, and neither do I think that we should count on solving our energy problems of the future by nuclear fusion. That does not mean I do not support it. I vote every year for all of the money, $250 million or so, that we put into that, because we have to try. If we do not successfully harness nuclear fusion, we have a really challenging road ahead.

Let us look at these finite resources and what kind of potential we can expect from them. There is a lot of suggestion today about the tar sands up in Alberta, Canada. There are enormous reserves there. The reserves there are at least as large of all of the oil reserves in all of the world. Then what we are worrying about? Well, because it is there does not necessarily mean that we can harness it in enough quantities or soon enough to really make a big contribution.

As an example, Mr. Speaker, every day the Moon goes around the Earth roughly in a day, and it lifts the oceans about 2 feet. That is an incredible amount of energy. I carry two gallon buckets of water and lift them up, that is a lot of energy. If we could harness the energy of the tides, we would be home free. There is an old adage that says energy to be effective must be

concentrated, and because those tides are spread out over all of the oceans of all of the world, it is difficult to harness them.

The tar sands are a little like that. There is an incredible amount of energy there, and the Canadians are working very hard at harnessing that. Let me see if I can remember the numbers. I think they have a shovel in Alberta, Canada, that lifts 100 tons at a time and dumps it into a truck that carries 400 tons, and I think those are the right numbers. It carries them to a place where they are cooked, because the oil in those tar sands is a bit better, but kind of like the oil in your asphalt road. If you put a blow torch on an asphalt road and mix it with some lighter fuels, it will flow. That is kind of like what we are doing with the tar sands. They are working very hard, and they are producing a million barrels a day. We will talk in just a moment about energy profit ratio. They are making a lot of dollars doing that because it costs them less than $30 a barrel to make it. The oil is now bringing $60-some a barrel, so the dollar-profit ratio is up there. They are using, I have heard, maybe more energy from natural gas to produce the oil than they are getting out of the oil. That makes good sense for them because they have natural gas there, and it is hard to ship, and it is relatively cheap, and the oil is easy to ship and in high demand at $60-some a barrel.

Mr. Speaker, by the end of the day, we really need to be thinking about energy profit ratio because that is what will be telling. They are now producing a million barrels a day, and if they work real hard, they will be producing 2 million barrels a day in 5 years. Big deal.

The world today is using 84 million barrels a day, and if they work really hard, 10 years from now they will be producing 3 times as much as today, 3 million barrels a day, but the world would like to be using another 40 million barrels a day. I do not think it will be there, but if you project our current demand for those 10 years, we would like to be using another 40 million barrels of oil, and they will be producing another 2 million barrels of oil, 1/20 of the additional oil the world would like to use. Although there is a lot of energy there, and I am sure that we will find techniques to get it out that have some energy profit ratio so there will be energy there for a long time, but it is not going to be available anywhere near the quantities needed to meet the needs of contending with the crisis that will occur with peak oil.

Now, the oil shales in our country are very much the same thing. Recently you may have read of an experiment out in Colorado. I think it was Shell Oil Company that devised a new technique for getting the oil out of the oil shales, which is like the oil in the tar sands. It is very thick and will not flow.

What they did to avoid polluting the groundwater was drill a series of holes in a circle, and then they froze the ground because the oil will not move through frozen ground. Inside that frozen vessel, if you will, they cooked and cooked it for a year. They put steam down and cooked it for a year. After that year, they started sucking on the oil, and for another year they cooked and they sucked, and they got a pretty meaningful amount of oil out of that.

There is an awful lot of oil in the oil shales, maybe about as much as in the tar sands, but the scale, scaling up for this is incredibly difficult. I am not sure what the energy profit ratio is, because if you have to freeze the perimeter of that big vessel, if that is what you want to call it, and then you have to cook it for a couple of years, obviously you are putting a lot of energy in. They believe they got more energy out than they put in. But still, the energy profit ratio is not going to be enormous. Even if you can make that attractive, you still have the problem of scale. With the world using 84 billion barrels of oil a day, you have to have a lot of a million here, a million there before it adds up to what we are using.

Coal, you may hear people do not worry about energy, we have 500 years of coal. That is not true. At current use rates, we have about 250 years of coal. That is a long time, so why are we worrying? If we have 250 years of coal at current use rates, and obviously you can do with coal what we do with oil. Hitler did it. When we denied him access to oil, he made oil out of coal. When I was a little boy, the lamps that we call kerosene lamps today, we called them coal oil lamps because they were filled with oil, made from oil. So if you must use coal, if you have greater demand than we use today, that 250 years quickly shrinks. I have a chart a little later that shows that. But it quickly shrinks to about 85 years, and if you have to use some of the energy to convert the coal since you cannot have a trunkload of coal in your car, the energy to do that now shrinks that supply. There is only a 2 percent growth rate, and I think we will have to use it at much more than 2 percent growth rate, and it shrinks it to 50 years. So we have to husband that resource very wisely.

We have already chatted briefly about nuclear fission and nuclear fusion. Today we produce 20 percent of our electricity from nuclear. France produces 75 or 80. If you have some concerns about nuclear power, when you drive tonight note that every fifth business and every fifth house would be dark if were not for nuclear energy.

□ 2130

One-fifth, 20 percent, of all the electricity in our country comes from nuclear. Well, once these are gone, and they will be gone, except nuclear breeder reactors, as many of those as we want to have and maybe, maybe if we are lucky nuclear fusion. But we will transition, Mr. Speaker, whether we like it or not, as the world runs out of oil, we will transition to the renewables. What are they? They are solar and wind and geothermal. Geothermal is when we tap into the molten core of the Earth when we are close enough to that that you can get some heat from that. If you go to Iceland, there is not a chimney there because all of their energy comes from geothermal.

We are trying very hard, as I mentioned previously, to tap into ocean energy. It is not just the tides. It is the waves. It is the thermal gradients in the ocean, the cold water at the depths, the warmer water on top, kind of a thermal couple effect that you can get there.

Then there is lots and lots of talk about getting energy from agriculture. Soy diesel, bio diesel, ethanol, methanol, biomass. The President mentioned it in his State of the Union. He said we are hooked on oil and have got to wean ourselves from that, and technology will do it. And he talked about some exciting technology, about taking some biomass like soybean stubble and corn stalks and switch grass. What is switch grass? Switch grass is prairie grass, and a lot of it grows. Of the prairie that we did not plow up and let that return to switch grass, it is a big crop every year. And they are talking about harvesting that and using something like culling cellulosic ethanol. We bioengineered a little organism that can split cellulose into its requisite glucose molecules. It is made of sugar. Sure does not taste like sugar. See, because the human's molecules are so closely tied together that the enzymes in our body cannot split them. But these little bioengineered organisms can do that, so we break cellulose down to glucose, and then we ferment the glucose, and we get ethanol from it. And there is a lot of talk about that.

And biomass. Waste energy. Burning waste. There is a plant not far from here in Montgomery County, I would be proud to have it by my church. It looks like an office building. You do not even know it is an incinerator burning trash and producing electricity. They bring the trash in by truck or train in containers. You do not even see it until it is inside the building and then they dump it. Really interesting to watch it because that trash comes in with all sorts of things in it. They have a crane there that picks it up and drops it to see if there is something evil in it like a tank of propane. You would not want to put that in the fire. It might explode. And if they drop it and there is nothing evil-looking in it, they pick it up again and drop it over into the fire. It is really worth a trip there. And we now get a meaningful amount of energy, as a later chart will show from waste to energy.

Then hydrogen. Many people think that we do not have to worry about energy because we have got hydrogen. Hydrogen, Mr. Speaker, is not an energy source. Hydrogen is simply a way of transferring energy from one point

to another. It will always cost more energy to make hydrogen than you will get out of the hydrogen. I can say that with some confidence because just as sure as there will never be a perpetual motion machine, we will never suspend the second law of thermodynamics. And that says that when you transfer energy from one form to another, you will always loose some energy in that transfer. Why are we so enthusiastic about hydrogen if that is true? It is because hydrogen has some incredible capabilities. When you burn it, you get water. That is really not very polluting, is it? And further more, hydrogen is a great thing to put in a fuel cell. And a fuel cell gets twice the efficiency of a reciprocating engine. So I am not depreciating the value of looking at hydrogen. I am simply pointing out that hydrogen is little more than a battery which takes energy from one place to another place. As a matter of fact, in a recent hearing, we had three experts on hydrogen, and there are three ways that you could transport hydrogen. One is as a liquid. It must be really, really cold, several hundred degrees below zero to keep it as a liquid, which means you have to have a lot of insulation, and even then it is going to boil off, so you have got to use it faster than that boils off.

The other way to carry it is as a gas. Well, hydrogen is the lightest element we have. Those gas molecules are really trying to get apart from each other, so it takes a really high pressure vessel to contain hydrogen.

The third way to transport hydrogen is in solid state. You adhere the hydrogen either by some adhesion or by some chemical process. You carry it in a solid state. That is very much like the way we carry electrons in what we call a battery. Hydrogen is a proton plus an electron; and so, and I asked the question, is a hydrogen battery inherently going to be more efficient than an electron battery? Well, we really need to look at hydrogen, but it is not a salvation to our problems.

The next chart looks at the characteristics that we are going to want to find in whatever alternative we turn to, and here we have on the ordinate the energy profit ratio. I have talked about energy profit ratio. That is how much energy you put in compared to how much energy you get out. And our big oil fields here, you see, they are up at 60 to one. As a matter of fact, the charts were even higher. Some of those were more than 100 to one. By the way, there were none of those in our country. They exist only in the Middle East and most in the big Darwar oil field. The granddaddy of all oil fields is in Saudi Arabia.

And the energy profit ratio is 60. You put in one unit of energy, one BTU, and you get out 60 BTUs. The abscissa here is economic effectiveness in transport, that is, how handy is it to use. And we are talking primarily about transportation and liquid fuels, how handy is it to use. Well, oil of course is the handiest thing to use. It is way over here on the right. And it had an enormous energy profit ratio if it came from the giant oil fields. In 1970, when we peaked, our energy profit ratio was down here. Now it is harder and harder to get our oil, and so by 1985 the energy profit ratio had slid down to here. Notice where the energy profit ratio is for tar sands and ethanol and that sort of source: way down here, just about zero. In fact, some people think that the energy profit ratio for ethanol, the way that it is frequently made, is below zero here, that more energy goes into making ethanol from the fossil fuels that made the tractor and plows field and makes the fertilizer and so forth than you get out of the ethanol.

Well, here we have some of the other things: hydro, coal fired, nuclear, photovoltaics. They now are getting much better. They are moving up in energy profit ratio. Wind machines should be on here too, and they would be about in this same category. So whatever alternative energy source we use, to see how useful it is going to be, we need to put it on this chart: does it have a high energy profit ratio, and is it really convenient to use for transportation.

The next chart is one which really has the long look. I like this chart because it is kind of humbling. It kind of puts us and oil and our whole history into perspective. Here we have only about 400 years, a little less than 400 years out of 5,000 years of recorded history. But for the first 4,600 years not a whole lot happened. And so if you extended this back 4,600 years, it would look very much the same. Very little energy produced. Here you see it. Wood. And then we learned how to use it more effectively. The Industrial Revolution started here in the early 1800s. We denuded the hills of New England to send charcoal to England to make steel. There is a little historic place called Catoctin Furnace up in Frederick County, and we denuded our hills up there to make charcoal for Catoctin Furnace. And then we found coal.

Oh, the ordinate here is quadrillion BTUs, how much energy you are producing. And then we found coal. And boy, look what happened. Look what happened. We really took off. The coal was very limited in what it could do compared with gas and oil, and the red curve here is gas and oil. And look what happened. It just took off and was reaching for the sky. Notice here the worldwide recession after the Arab-induced oil price spike hikes, worldwide recession, and we did use less oil. So we can economize. We can be more efficient. We can use less.

I might point out, Mr. Speaker, that the world's population has pretty much followed this. Just this afternoon I was looking at a chart of world population. Half a billion, a billion people for way back as far as we can look in history. And then we start the Industrial Revolution, and the world's population took off and it mirrors this. From a half a million, half a billion to a billion people up to now nearly seven billion people.

If, in fact we are at peak oil, and almost nobody denies, the most optimistic estimate I have ever seen is that we will reach peak oil at about 2035 or 2036. You know, that is not forever in the future. Most authorities believe that we are either here or it is very imminent. But if we have reached peak oil, we are about halfway through the age of oil. That is incredible. Out of 5,000 years of recorded history, 150 years now we are into the age of oil. In another 150 years we will be through the age of oil. Our great grandchildren will live then. What will their world be like? We face a lot of really serious challenges.

Mr. Speaker, when I think back, and someone asked me the other day how long I have been thinking about this subject, and maybe it is because I am a scientist. I knew that the fossil fuels could not be forever and so maybe 30, 40 years ago, when I was teaching school and doing research, I started asking myself that question, what does that mean, not forever? Do we have another 10 years, a hundred years, a thousand years? Obviously, it is not going to last forever. But what does that mean? And so I have been following this for 30, 40 years now.

The next chart looks at something that I have spoken briefly about and that is coal. And some will tell you, and I have heard a lot of people who ought to know better say, do not worry, we have got 250 years of coal. That is true, at current use rates. But if you start increasing coal only 2 percent a year, you know, Albert Einstein was asked after the discovery of nuclear energy, what is next? What is the most powerful force in the universe, Dr. Einstein? You know what his response was? The power of compound interest. That is exponential growth. Compound interest.

And if you grow only 2 percent a year, that 250 years now immediately shrinks to about, what, 85 years here? And obviously you cannot fill your trunk up with coal. You are going to have to convert it to a gas or a liquid. And so when you have used some energy to convert it to a gas or a liquid, after conversion you have got about 50 years left. That is a long time. And it is a meaningful resource. But it is not forever. And by the way, there are one of two penalties you are going to pay for burning coal. Either you are going to pay a big environmental penalty if you do not clean it up. And every year we vote some billions of dollars for clean coal technology. And still we have too much CO_2, too much pollution from coal.

And by the way, Mr. Speaker, the use of coal is not without its price. We have had, what, 16 miners killed in West Virginia in the last couple of weeks in producing coal.

When was the last time you heard that a worker in a nuclear power plant

was killed or injured? The answer is, never in this country. It just has not happened. I lived through the Three Mile Island disaster. I was not very far from it in Frederick, Maryland. There was a lot of hoopla about that. Very little actual effects of that. I have some friends who have been avidly antinuclear. When they are considering the alternative of shivering in the dark as we run down the other side of Hubbert's peak, they are wisely taking a new look at nuclear.

Our next chart is a very interesting one. We have talked about the potential from agriculture. Let me make two generalizations as a caution. We are barely able to feed the world. Tonight, 20 percent of the world or so will go to bed hungry. How much food can we convert to energy and still feed the world, particularly if we permit the world's population to increase as it is today?

The other caution is, how much biomass can we take from our land and still have topsoil? With all of our good techniques today, no till farming and so forth, every bushel of corn we grow in Iowa is accompanied by three bushels of topsoil that go down the Mississippi River.

Now, topsoil is topsoil, rather than subsoil simply because it has organic matter in it. And that organic matter, the humus comes from decaying organic material. And if you are taking all that organic material off to burn or to ferment or whatever you are going to do with it, I am not certain how long we can maintain the quality of our topsoil so that we can continue to produce the food and fiber that we need and that the world needs.

On the top here are shown two depictions. One is the amount of energy you get out of petroleum. Obviously, you do not get all the energy in your car. It takes energy to drill the wells, to pump it out, to transport it, to refine it, to haul it to the gas station and so forth.

□ 2145

So when we get out 1 million BTUs, there are probably, they estimate, it took 1.23 million BTUs input. So you do not get it all in your car. You would not expect to.

Now, what about the energy profit ratio here of ethanol? And here we are getting a lot of energy from the sun. What does that mean in terms of the final product? And I am told by some this is a pretty optimistic assessment here. But even if we reach this, you have put in .74 million BTUs. Almost three-fourths of the energy you get out of ethanol is represented by the energy that went into producing ethanol. There is an energy profit ratio, although some have disputed that. There is a doctor in the East here and one in the West, and they have done what they say is a very good analysis of all the energy, and it is hard to keep track of that, Mr. Speaker. It is not just the diesel fuel they use in the tractors. How much energy does it take to make the tractor? Every automobile tire has the equivalent of 6 gallons of oil in it. As you burn the tire, you get some sense that that is probably pretty close to the truth.

These two scientists believe that today in the way that some ethanol is made, it takes more energy from fossil fuels to make the ethanol that we get out of the ethanol. Even if that is true, there is a good byproduct remaining, all the fat and all the protein. Tofu is a protein, by the way. That is the protein from soybeans. We get a similar protein from corn. So we can use that as animal food or human food.

The bottom chart here shows some of the challenge of getting energy from corn. This is a pie chart which shows the total amount of energy that goes into producing a bushel of corn. And notice, Mr. Speaker, that almost half of that total energy comes from nitrogen. That is because nitrogen fertilizer is made from natural gas. Before we learned how to do that, the only source of nitrogen fertilizer was barnyard manure and what we call guano. Guano is the droppings of bats and birds for very long periods of time, hundreds of years, maybe thousands of years, and it accumulated on the tropical islands, and in the case of bats, we mined that to get guano. That is gone. If we wait another 10-, 20-, 30,000 years, there will be some more. But it takes a very long time to accumulate that.

This is all the other energy that goes into producing a bushel of corn. Potash was mined using fossil fuels. Phosphate was mined using fossil fuels. The lime was quarried using fossil fuels. Here is the diesel fuel that ran the tractor and the combine, the gasoline that is used in some of the farm equipment, liquid gas, electricity, all of which is produced by fossil fuels, most of it by fossil fuels, some by nuclear, 20 percent by nuclear. The custom work, the diesel that went into doing the work, the energy, the fossil energy it took to build the tractor and so forth. And many of the chemicals we use in agriculture are made from oil. The water is pumped using energy. The hauling, the seed, fossil fuel energy goes into producing all of this.

Mr. Speaker, how will we feed the world once we run down the other side of Hubbert's peak?

The next chart, this is a really interesting one. I use an analogy here that helps me to understand this. I imagine a young couple that has just gotten married, and their grandparents died and left them a pretty big inheritance. So they have now established a lifestyle where 85 percent of all the money they spend comes from their grandparents' inheritance and only 15 percent from their income. And they look at the amount they are spending and at the size of the grandparents' inheritance and say, gee, this is not going to last until we retire. So obviously they have got to do one or both of two things: Either they have got to spend less money, or they have got to earn more money.

I use that 85–15. Others may use 86–14. The 85 or the 86 is the percentage of energy in our economy that we get from the fossil fuels, natural gas and petroleum and coal. Only 15 percent in this depiction do we get from nonfossil fuel sources. A bit more than half of that, nuclear energy, 8 percent, that is, 8 of 15, a bit more than half, comes from nuclear. That is 20 percent of electricity, but 8 percent of our total energy use heating buildings and manufacturing and so forth. Seven percent of it comes from renewables. Remember that previous chart? Ultimately we will transition to these renewables, with the exception of what we will get from nuclear. When we are through the age of oil, it will all be renewables.

What are they? Solar. This is a 2000 chart. We are better today. In 2000, solar represented 1 percent of 7 percent. That is .07 percent. It has been growing at 30 percent a year. That doubles in about 3 years. So now, big deal, it is .28 percent of our total energy.

Wood, 38 percent. Not the West Virginia hillbilly, but this is the timber industry and the paper industry wisely using a waste product, what would otherwise be a waste product.

I mentioned waste before. That is 8 percent of our total renewable energy. We ought to be producing a lot more of that. Landfills are pretty silly when you think that you could be producing electricity with that rather than worrying about the methane that is produced there. They do harvest some of that, by the way, and use it.

Wind, another 1 percent. By the way, wind and solar are essentially the same energy source. The wind blows because of the differential heating of the sun; so they both go back to the sun. We can now produce electricity from wind at 2½ cents a kilowatt hour. That is really competitive. Why are we not producing more of it? Wind farms are growing. You may see them. Some people do not like the look of those. I think that the big wind machines are pretty handsome. That is about where solar is today, about .28 percent of our total energy.

How long will it take us to get to any meaningful percentage there? Because that is increasingly what we are going to have to rely on in the future.

Conventional hydro, almost half of all of our renewables comes from an energy source that is not going to grow in our country. We have dammed every river that should be dammed and probably a few that should not; so that is not likely to grow.

Now we are down here to agriculture, alcohol fuels and so forth. Again, almost in the noise level. And geothermal, where we are close enough to the molten core of the Earth, we really should tap into that. That is free. It is forever if you use it properly.

The next chart shows us something very interesting. Mr. Speaker, I would like to get some input from statisticians on this because everybody knows

the jargon of something which is statistically significant. There is a 95 percent probability, there is a 5 percent probability, and so forth. And here they have done something which I find very strange. If you are looking at the path that a hurricane is going to take, you notice it starts out very narrow. It could get pretty good for the next few hours, but when it gets out to hours and days, it gets broader and broader. Now, the hurricane maybe will go down the middle, but there is just as big a chance it will go to the left as there is that it will go to the right. And what these folk are doing and what they are using here is statistical jargon. They are saying a high 5 percent probability, low 95 percent, and the mean is what is in the middle. Now, that could just as well be a whole lot less as that much more. So the real peak is probably going to occur about right here.

This is where we are now. This is the 2000 chart. We are about right here. They are using this mean here. No one that I know of believes that the ultimate recovery, 1 billion barrels of oil, is 3 trillion. But even if you use the 3 trillion, that takes you only to this point. It pushes peak oil out only to 2016.

The next one is a really interesting one. If you assume that you are going to get it faster and move the peak out to 2037, look what happens after that. You fall off a cliff.

So we need to be careful about this enhanced oil recovery, because if there is only so much to pump, and you pump it sooner rather than later, later you are going to have less to pump.

Back to Robert Hirsch and the study done by SAIC. They say on Page 64, ''World oil peaking is going to happen.'' And down here he says that oil peaking presents a unique challenge. The world has never faced a problem like this without massive mitigation, more than a decade before the fact. And remember, Mr. Speaker, very few authorities believe that peak oil is more than a decade from now. So we are pretty much here.

The next chart points out something very interesting, and that is that this really is a worldwide problem. We are all in the same boat on this little planet Earth traveling through space. There is only so much oil. There are about 7 billion people, and clearly we would do better to engage the nations of the world in a competition to achieve sustainability instead of a consumption contest, which is now what we are doing: Who can use the most oil to grow their economy the fastest?

The next chart shows ideally what we need to be about.

By the way, Mr. Speaker, I think that if we do not have a national and indeed international program which kind of has the breadth of putting a man on the Moon and the intensity of the Manhattan Project, I think we are in for a pretty rough landing.

First of all, there is voluntarily conservation, and we can do that. We can conserve. California did. They had no rolling blackouts because they voluntarily reduced their electricity use by 11 percent in a single year. That is big. We start out with voluntary conservation, ride with two in the car, turn our thermostat down, put a sweater on. To organize voluntary conservation, working together to provide for the van pools and so forth, then the government can provide some monetary incentives, giving you the incentive to do the right thing. And then efficiency, of course. These were two words that were absent from the President's very good message on energy, conservation and efficiency.

I am a conservative. My wife says she thinks that there ought to be some relationship between conservation and conservatives. Does that make sense, Mr. Speaker?

The next chart we are going back again to the Hirsch report. That was such a great study. They said on page 24, ''We cannot conceive of any affordable government-sponsored crash program to accelerate normal replacement schedules so as to incorporate higher energy efficiency technologies into the private-owned transportation sector. Significant improvements in energy efficiency will thus be inherently time-consuming of the order of a decade or so.''

For instance, if everyone was to drive a hybrid car, which gets two or three times the mileage of an ordinary car, it takes one or two decades to turn over the motor fleet; 28 years, I think, for the big trucks; much less than that for the vanity of cars and so forth.

The next chart, this is something that we are doing out in Frederick. We wanted to demonstrate that it was possible to be totally self-sufficient, so we have proposed, and we have funding to do it thanks to the generosity of the taxpayers, that we are going to build a welcome center coming down into Frederick that is totally energy self-sufficient. We will get all of our water from the rain. We will handle all of our waste without putting anything into the ground, with composting toilets and constructed wetlands and so forth. We will produce all of our energy with wind machines and solar panels and so forth. This should in the next couple of years be existing. If you go up 270 into Frederick and start down the hill where you look over the Frederick Valley and see the city there, on your right will be the Goodloe Byron Overlook. If you pull in there, you will be at this welcome center, which will have a lot of what we call benign technologies.

In the few minutes remaining, I would like to use the *Apollo 13* as an example of the challenge that we have. You may remember the *Apollo 13*. They had an explosion in one of their oxygen tanks. They had two oxygen tanks. And that explosion caused the other oxygen tank to leak. So not only were they going to be short of oxygen for themselves if they were not careful, they were going to be short of energy because they were using that oxygen to combine with hydrogen in a fuel cell to produce energy.

□ 2200

What they had available to them was the module, the lunar lander. They turned around, as you may know. They had to evaluate what they had to work with, and that is all they had to work with, what was in that little spacecraft out there. What could they do with that? They had a big challenge of CO_2 buildup and what they were going to do to manage that so that they could get back. They had a very narrow window.

There are a lot of analogies between the *Apollo 13* and where we are today. They had a challenge not of their choosing. We did not choose to reach peak oil at this time, but they were faced with the inevitable decision of either making the right choices or not making it through, and we are faced with very much that same kind of a dilemma. We have some choices to make now, and the next chart points to the kinds of choices that we have and what I think we need to be doing.

I want to refer you to an earlier chart which, by the way, we had that bell curve and we had the consumption going up like so, and there is a gap there.

A lot of people are trying to fill the gap. Here is that chart. Put that in front of this one. We will talk about that in just a moment. A lot of people are talking about filling the gap so that we continue on this course and use ever more and more.

I would suggest, Mr. Speaker, it is not what our challenge should be. As a matter of fact, to get alternative energy sources, we are going to have to invest three things. Money, we will not worry about that. We will borrow that from our kids and our grandkids, I am sorry to say; but we cannot borrow time from them, and you cannot borrow energy from them. We have run out of time. We are using all the oil that is available. If there was more oil than we would like to use, it would not be a sixty-couple dollars a barrel, would it? So in order to have any energy to invest in the alternative, we have to reduce our demand for oil so we have something to invest.

Trying to fill the gap just puts off the inevitable. If, in fact, we are able to do that momentarily, since there is not going to be much more oil found out there, the experts believe all you are doing now is setting yourself up for a bigger fall later. The old adage, in a hole, stop digging, the corollary to that is you are climbing a hill and you are going to fall off the other side, the higher you climb, the further you fall. This is pretty much where we are with oil. Let us go back now about the choices before us now.

Like *Apollo 13*, we have got to develop those contingency plans. What will we do? We need to prepare proactively. We have almost run out of time to do that. We must reduce energy consumption to make some energy available. That will

buy some time. By the way, the cheapest oil is the oil you do not use. We have bought some time so we can make investments now in more efficiency, first of all, and then in these alternatives which we will increasingly turn to.

The ultimate goal is to achieve sustainable growth. By the way, Mr. Speaker, there is no such thing as sustainable growth, whether short term you may make it appear to be so; but ultimately there is no such thing as continued forever sustainable growth. We are going to have to learn to be happy with being satisfied with what we have got.

I think, Mr. Speaker, we have some really, really great times ahead of us. I can imagine nothing more than all Americans feeling really good about contributing to a solution to this problem.

What we really need is leadership that the American people understand that they really can contribute. We have enormous creativity and entrepreneurship. We need to harness that. The next big burst in economic efficiency and growth can be in developing these alternatives and more efficient ways of doing things.

The ultimate goal, and we will get to that goal, we will transition. When the age of oil is finished and there is no more oil that can be gotten without paying more for the oil than you get out of it, we will have been transitioned to the renewables. What will life be like then? What will life be like in that transition?

This is really a good-news story. The sooner we start to address this problem, the less traumatic will be the transition. I like to think, Mr. Speaker, that if we harness the creativity and the energy of the American people, there is nothing that will make sleep so refreshing other than just knowing you really contributed something that day.

Mr. Speaker, I think that we have a bright future ahead of us. Unless we recognize, we probably are approaching peak oil. I would encourage, Mr. Speaker, that you go do a Google search for peak oil, pull up the articles on peak oil or do Hubbert's peak, you will find essentially the same articles there. There is a lot of information out there.

The average person is so consumed with the necessities of life, the tyranny of the urgent that pushes the important off the table: you really need to change the diapers; you really do need to be responsible; you also need to be thinking about tomorrow. We think about our next election. The board of directors thinks about the next quarterly report. Who is looking 5 years from now, 10 years from now?

Mr. Speaker, I think we have a great future ahead of us. The American people will respond if properly challenged.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. CAMPBELL of California). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to be here, and let me first say to the gentleman regarding his presentation here tonight regarding alternative energy sources, not only was it impressive and thorough, but I think he hit the nail right on the head. I think this is an issue that the next generation is going to have to deal with, and I know that our 30-something Working Group is very interested in working with the gentleman for alternative energy sources and figuring out what we are going to do.

Our topic tonight, Mr. Speaker, is what is going on here at home regarding the budget and regarding the budget deficit that the Republican Congress has run on an annual basis, but also the national debt.

The President will be coming back to the Congress to ask the Republican Congress to raise the debt ceiling, the debt limit. This is deja vu all over again. This Republican Congress continues to borrow and borrow and borrow and spend and spend and spend, really, like drunken sailors, like there is no end in sight; and our country cannot continue to go down this irresponsible path. We would like to talk a little bit about it tonight.

In order to borrow money, the Congress needs to pass legislation and the President needs to sign legislation that will allow the U.S. Treasury to borrow money; and the more deficits we run on an annual basis, the more we have to borrow. So the debt ceiling gets lifted.

The Republicans went out, borrowed more and more money till they hit that ceiling and had to pass legislation to raise that ceiling again to allow the Treasury to borrow even more money. That is what is happening right now.

To give you some perspective here, Mr. Speaker, when President Clinton came into office in January of 1993, we were running tremendous budget deficits. In 1993, a Democratic Congress and President Clinton passed a budget without one Republican vote and passed the budget that led to the greatest economic expansion in the history of the United States of America, created over 20 million new jobs. The stock market went crazy. There were benefits for everyone in our society because of the tough decisions; and quite frankly, Mr. Speaker, several Members in the Democratic Caucus lost their seats over that tough vote. They made very difficult decisions in the early stages of President Clinton's Presidency in order to balance the budget and do the right thing; but even though they made this difficult decision, we were still running tremendous budget deficits early in the 1990s, mid-1990s.

So President Clinton came to this Congress in his 8 years, and as we can see here as President Clinton came in, running budget deficits and then eventually running surplus into the later years of his Presidency, but President Clinton early on, because of the deficits that were run up through the Reagan administration, through the first George Bush administration, and then into the Clinton administration, President Clinton had to come to Congress and ask to raise the debt ceiling.

Just to give you some perspective, Mr. Speaker, in 8 years, President Clinton asked the Congress to raise the debt ceiling twice, two times, in order to fix this problem. Then we had economic growth, we had balanced budgets, we had surplus money, and we had arguments in this Chamber about where the money was going to be spent. Two times in 8 years President Clinton early on asked to raise the debt ceiling.

President Bush, current President Bush, has asked this Congress to raise the debt ceiling five times already, five times, because there is runaway spending from this Congress. I am joined by my friend, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). Five times, because of the runaway spending, the corporate welfare, time and time and time again to the pharmaceutical industry, to the HMOs, to the energy companies the gentleman from Maryland (Mr. BARTLETT) was talking about earlier. We continue to give this corporate welfare, and with a blatant and reckless disregard for the fiscal responsibilities that we have here.

We all know now that we are borrowing the money from the Chinese Government and Japanese Government, the Saudi Arabian family, the house of Saud. So we are not going to the Second National or Sky Bank or Bank of America to get the money. This Congress and this President are going to the Chinese Government to get it.

I would be happy to yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), my friend.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank so much my good friend from Ohio. I am particularly struck by your comments and your laying out of the real significance of the problem we are facing here.

I have only been here a year now. I am a new Member, and I came from 12 previous years in the Florida legislature. The whole concept, I mean, I certainly understand what the debt limit is and the debt ceiling, and I have watched the President's brother, Governor Bush, do the exact same thing in Florida and asked repeatedly for our debt limit to be extended. So there is clearly a pattern running through this family.

But what is so foreign to me as a State legislator, and I know we have many former State legislators in this Chamber, is the whole concept of debt and operating in the red to begin with. Most States cannot deficit spend. Most States have to adopt a budget that balances. You do not borrow against next year. You spend what you have, just

like the concept of PAYGO that the Democrats in the Congress have supported for years and continue to support, and then for some reason we cannot get the Republican leadership here to go back to that concept.

It is mindboggling. How does a party and a group of people who supposedly pride themselves on their fiscal responsibility not support the concept of paying as you go? I do not understand. I mean, those two concepts are opposites. Fiscal responsibility, yet five increases in the debt limit in the debt ceiling. It is really tough for me to understand.

We are borrowing away our children's future, and it is a concept that I have not been able to get my mind around. We want to make sure that we reduce the deficit, but the President talks about it in his State of the Union address. You constantly hear Republican Members of Congress profess that they have an interest in cutting the deficit in half or eliminating the deficit. Yet, the budget that the President submitted does no such thing. In fact, over the next 10 years it ensures that the deficit continues to stay significantly high, does not even come close to cutting it in half; and, actually, he presented us a budget on Monday that includes no assumption that we would spend no money on the war in Iraq after next year.

I mean, to me, I analogize the reality of the budget the President gave us on Monday to one that my first graders might sit down and write because they have about the same similarity in terms of likelihood of success here in this Chamber, the same similarity that my first graders would write to the ability to actually meet the needs of the people in the country.

□ 2215

You know what it really boils down to? It boils down to hypocrisy, because the same people who accuse Democrats of being tax and spend liberals, you know, and I am loathe to repeat that misnomer because it is so insulting, but if we are tax and spend liberals, they are borrow and spend. They are borrow and spend.

Because if we say that we do not think tax and spend is a good idea, which I think universally Republicans and Democrats would say taxing and spending as a way to solve our problems is not a set of solutions for the future of this country, how is borrowing and spending any different?

I mean, you are mortgaging our children's future, and that, you know, I think if we had some semblance of bipartisan here that some people profess to be supportive of, I would love to sit down around a table. Maybe Mr. BOEHNER, the new majority leader, will be different, I am certainly hopeful. But I would love to sit down around a table with a bipartisan group of Members and find a way to pay as we go.

I will yield.

Mr. RYAN of Ohio. I think the pay as you go is basic common sense. It is the same thing that people have to do at home. You get the checkbook out, you take in so much, you can only spend so much, or you have to end up borrowing money or putting it on your credit card, and we know that is definitely a downward spiral.

But exactly what you were saying, I think the President signed it into law today, the Deficit Reduction Act, which is hysterical, because it actually increases the deficit. Now, our Republican friends are saying, well, it cuts $39 billion, the deficit by $39 billion, or there is $39 billion in cuts, but at the same time, they gave $70 billion, or close to it, in tax cuts that went primarily to people who make more than 4- or 5- or $600,000 a year. So it is very simple math to realize that, well, you may cut tell by 39, but if you are reducing your revenues by $70 billion, that there is still a deficit increase. And that is basically what happened.

Now, you can check the rolls here as far as what Democrats have voted for. Time and time again, the Democrats have supported middle-class tax cuts. We have supported tax cuts for small businesses. We supported tax cuts and credits for college tuition. But I am not ashamed to say that we are going to ask Bill Gates and Warren Buffett to pay their fair share in taxes, because right now they are getting a free ride. And I am not afraid to say, and the 30-something Working Group is not afraid to say, that we do not want to give public tax dollars to the tune of $16 billion to the energy companies. You got to be kidding me.

I mean, you know, Mr. Speaker, people who may be watching this in the Chamber or Members in their offices should be startled that we are going to go out and collect tax dollars from the public. Average people making minimum wage, or 10 bucks or 15 bucks an hour, send money down here to us, and the Republican majority is taking that money and giving it to the energy companies when, you know, Exxon-Mobil is making $39 billion in a quarter, and all of the other oil companies are doing extremely well.

Or we are going to take that money, Ms. WASSERMAN SCHULTZ, we are going to take the public money, and we are going to give it to the HMOs, or we are going to make sure that we are wasting it and giving it to the pharmaceutical companies, without any kind of price controls.

Ms. WASSERMAN SCHULTZ. Essentially what that is is a manifestation of the culture of corruption. I mean, that is how you translate the culture of corruption which shows itself in individual Members in some cases, and people who are under suspicion and investigation, although not charged. And that is how you take it, or that is how they take it a step further and translate it into policy.

I mean, when we are providing significant tax dollars for energy companies, when we are essentially ensuring that special interests have their pockets lined via people 's tax dollars, then that is the manifestation of the culture of corruption and how it impacts people in terms of the policymaking that goes on here.

And we talking about third-party validators. It would be easy for us to just say what we think standing on this floor. But, you know, it would be very easy for us to lay out, you know, progressive liberal Democratic organizations to validate what we are saying here.

I am going to read you a few third-party validators who laid out their opinion of the President's budget in the last several days. Goldman Sachs, for example. They said that the deficit forecasts that were laid out in the President's budget this week were unrealistic.

Bush's budget proposal assumes that the Federal deficit would jump from $318 billion last year to $423 billion in 2006, then slide back down to $183 billion in 2010. Those factors led Goldman Sachs economists to tell clients yesterday that the deficit forecasts are unrealistic.

Mr. RYAN of Ohio. Goldman Sachs is not a liberal organization?

Ms. WASSERMAN SCHULTZ. No. And also not a liberal organization is the Heritage Foundation, who says that the budget does not deal with retirees. Brian Riedl, budget analyst for the conservative Heritage Foundation, said that Bush's budget is clearly not enough to feasibly solve the most important economic challenge of our era, how to deal with 77 million baby-boomer retirees.

The Concord Coalition, also not a liberal bastion, said the White House was working off very unrealistic assumptions. Robert Bixby, executive director of the Concord Coalition, said of the Bush budget, when you look at the bottom line that they are putting out, it is important then to look at the assumptions. And I think there are some very unrealistic assumptions there that would probably keep the deficit much higher than the administration is showing.

When I say that my first-graders could sit down and write a similar budget that bears the same resemblance to reality, I am really not kidding.

You know, I am not just being tongue in cheek here. The President owes the American people the responsibility that he has taken when he took his oath to uphold the Constitution, a budget with realistic projections that does not just paint the rosiest picture possible so that he can coast through the rest of his term.

Mr. RYAN of Ohio. Right. This is not a game. This is not a game that needs to be played. We switch the numbers here, and we switch them here. This is important, because as of February 8, which I believe is today, $8,200,380,327,202 is the national debt. And we will have a chart next week that is updating this. And the President is going to come and ask to rise

the debt ceiling so that we can go out and borrow more money. But your share of the national debt, Ms. WASSERMAN SCHULTZ, is $27,518. That is what you owe, the debt you owe to the United States Treasury.

Ms. WASSERMAN SCHULTZ. Now, Mr. RYAN, is that just adults?

Mr. RYAN of Ohio. No. That is yours, your kids'; each one of your kids, every citizen in the United States owes $27,000 for the national debt. And the President is going to ask Congress for the ability to go out and borrow even more so that each citizen can owe even more.

Now, what we are trying to say here in the 30-something Group is that we have got to be responsible, we have got to balance the budget. We have got to make sure that we stop borrowing money from the Chinese Government, because ultimately it is going to lead to each citizen having to pay more of their paycheck in taxes to fund the debt, and we do not want that to happen.

So our friends on the other side can talk about tax cuts all they want, but as they continue to go out and borrow money with the full faith and credit of the United States Government behind it, it means our taxpayers are good for it. So if you are home, you are good for it. We can count on you to raise your taxes so that you can give the Republican majority more money so that they can pay the bills.

Now, would not it be nice, you know, if you are at home and you get your credit card statement, your credit card only allows you to borrow $10,000. Whew. Boy, I am at $10,000. I am at $9,990. Would it not be nice if I could just call up the credit card company and say, you know, I realize I am not making any more money, I am probably making less, I realize that health care costs have doubled, tuition and everything else, can you give me another $10,000 so I can borrow more?

And really the worst thing that can happen is the credit card companies says, yes, go ahead. Then you owe them more. And you owe more interest. It is this downward spiral that we are in right now. It is ultimately robbing the future of our country.

I want to kick it to you, but I just want to share one more statistic here that we have been using that I think is astonishing, astonishing. In the first 224 years of this country, from 1776 to 2000, we borrowed as a country $1 trillion from foreign interests. Okay. They were foreign holdings of U.S. debt, $1 trillion dollars in 224 years.

President Bush and the Republican House and the Republican Senate in the last 4 years have borrowed $1.05 trillion. They borrowed more money from the Chinese, the Japanese, the Saudi Arabians in 4 years than this country has borrowed in 224 years.

That is unbelievable to think that our friends on the other side, who many of them are friends, can say with a straight face, we are fiscally responsible. We are the party of fiscal responsibility. We want to cut taxes and reduce government burden. Reduce government burden? My goodness gracious. Borrowing money from the Chinese Government is somehow being fiscally responsible to the tune of $1 trillion?

So this all adds up to a real cost of the kind of corruption that we have down here, because you give tax cuts to your rich friends, you give subsidies to the energy companies, you give subsidies to the pharmaceutical companies, but you are borrowing the money on the backs of your kids.

Ms. WASSERMAN SCHULTZ. To take that a step further, and, Mr. RYAN, before I do that, we have used this chart repeatedly because it is so illustrative of the stark ineptitude, for lack of a better term, of this administration, you know, compared to all of the other previous administrations combined.

I am wondering, sometimes people catch this Special Order hour, and sometimes they do not. I know we have a Website, and we have recently revamped it, and my understanding is that the charts that we use are going to be available on our Website in the event that people want to go and look at them more closely. Is that right?

Mr. RYAN of Ohio. That is correct. Www.housedemocrats.gov/30-something. And this will be the Web page that pops up, 30-something Working Group. Then you go to the bottom and it says, our posters. So you will be able to get to our posters here.

Ms. WASSERMAN SCHULTZ. They can peruse them at the their leisure.

Mr. RYAN of Ohio. Yeah. And they are really good, because we have taken all of the information that Tom Manatos here, who is our go-to guy with the 30-something Working Group, kind of boiled it down, and you will be able to see our third-party validators.

Now, for example, this poster here, now we have added the pictures, obviously, to help make our points to see that this is President Bush, he is responsible for the last 4 years, and all of those pictures of all of the other Presidents, Andrew Jackson, President Kennedy, there is Taft, Lincoln, they are all here. But at the bottom it says, source, where we cite our source, is U.S. Treasury. We are not making those numbers up. So go to the Website and you will be able to see this poster that our crack staff has put together.

Ms. WASSERMAN SCHULTZ. We have sort of interchangeably been talking about two different things. There is the debt, and then there is the deficit. Both things are startling when it comes to this administration's record. Under this President the deficit and the national debt are out of control.

Mr. RYAN of Ohio. The deficit is the annual.

Ms. WASSERMAN SCHULTZ. Right. The deficit is the annual ongoing difference between the revenue we take in and the money we spend. And then the debt is what we have to borrow in order to stay afloat.

Over the last 5 years, it is clear that President Bush has lost control of both. Under this President we have gone from a projected 10-year surplus of $5.6 trillion to a projected deficit over the same period of $3.3 trillion, which is an $8.9 trillion reversal.

Under President Bush's budget, when omitted costs are included, we have deficits for as far as the eye can see. You have a projected rise in the deficit to $556 billion by 2016. And when we talk about omitted costs, people might say, what do you mean by omitted costs? Like the fact that this budget does not include any spending on the war in Iraq and Afghanistan after next year.

Now, I wish, oh, were that to be true, that we would now be in a position where Iraq would be, and the Iraqi people would be, able to sustain themselves without our assistance. Unfortunately, we have created a situation in which that continues to be impossible, and it is a virtual certainty that we are going to need to spend money after next year in Iraq and Afghanistan, despite the President's claims.

When omitted costs are included, the President's budget does not cut the deficit in half by 2009 as he continues to claim that it will.

□ 2230

What continues to be mind-boggling is that we could fix this if you go back to the pay as you go rules of the 1990s, which is what turned the deficits into surpluses, tough votes that people took. Like you said, there were Members that lost their seats, but at the end of the day, it has to be more important to do the right thing than to continue to be here for each one of us, and that is something that we have to internalize. This is a good job. This is a job that we all really enjoy. I have not met a Member of Congress who does not like the job a lot, and that is why many of us, most of us, fight hard to keep it every election cycle. But at the end of the day, you have to be willing to look yourself in the mirror and say you did the right thing and be willing to walk out of this Chamber and know that you may not come back after you did the right thing.

Unfortunately, we do not have enough people who serve in this body that are willing to do that. And unfortunately, it appears to be a little lopsided when it comes to the partisan breakdown of that willingness.

This is literally the worst reversal, the worst fiscal reversal, in American history. We have never had the kind of turnaround from a record surplus to a record deficit like the one we have had. And the national debt, as you said, continues to skyrocket. They have had to raise the debt limit five times, but total combined it was $2.2 trillion that the debt had to be raised since President Bush took office. I mean, it really is astonishing.

Mr. RYAN of Ohio. What is interesting about the $2.2 trillion is that is more money than this country borrowed from the inception of the country to the beginning of Ronald Reagan's Presidency. So just in the Bush administration alone we have had to raise it $2.2 trillion, which is more than whatever the math would be from Reagan back to George Washington. This Republican Congress is setting records here on this issue.

Ms. WASSERMAN SCHULTZ. There is something else I want to bring up, if you do not mind. I think it is important to compare words and deeds. And we both sat in this Chamber during the State of the Union and listened to the President lay out his vision for America. I want to read out from one of the paragraphs from the State of the Union and compare it to a couple of weeks later when he introduced his budget.

He said in the State of the Union that ''our economy is healthy and vigorous and growing faster than other major industrialized nations. In the last 2½ years America has created 4.6 million new jobs, more than Japan and the European Union combined. Even in the face of high energy prices and natural disasters, the American people have turned in an economic performance that is the envy of the world.''

Now, during my time in the legislature, and I spent a little bit of time in leadership in the statehouse in Florida, one of the things that the party leadership generally engages in is choosing words carefully. You choose the words as carefully as you can so that what comes out actually reflects the reality on the ground. Now, I can see why the President would have chosen to say that our economy is growing faster than other major industrialized nations, because he probably could come as close to the accuracy as possible when it comes to the economy.

But just take this AP story, again, a third-party validator that we like to use, just from January 27, which talked about the economy grows at slowest pace in 3 years. The economy grows by just a 1.1 percent pace in fourth quarter, slowest in 3 years. The annual rate in the fourth quarter of last year was 1.1 percent amid belt-tightening by consumers facing spiraling energy costs. The 1.1 percent growth rate in the fourth quarter marked a considerable loss of momentum from the third quarter's brisk 4.1 percent pace. The fourth quarter's performance was even weaker than many analysts were forecasting. Before the release of the report, they were predicting the GDP to clock in at a 2.8 percent pace. The weakness in the final quarter of last year reflected consumers pulling back, cuts in government spending, and businesses being more restrained in their capital spending.

This is not a columnist that wrote this. This is an actual story that is reporting facts on the ground.

I just feel resentful when I sit in this Chamber and I listen to the President respectfully, and I expect on behalf of my constituents to hear accurate statements, to hear a true reflection of the state of our Nation. And instead what I felt like we got was a lot of partisan rhetoric, a lot of rhetoric that was not matched up with action as I would have liked to have seen it reflected in the budget.

He turned in a budget that actually gives us $36 billion in Medicare cuts. I mean, in a State like mine, I represent the State of Florida, as you know, that is going to significantly disproportionately impact a vulnerable senior citizen population when they are already reeling in the midst of this disastrous Medicare Part D prescription drug benefit that was handed to them by this Republican leadership.

So it is just kind of one insult after another. When is it going to stop? When are we going to actually have some true commitment to back up the words?

Mr. RYAN of Ohio. Absolutely.

Just to continue to reinforce your point on the PAYGO, on the fiscal responsibility. We call it PAYGO. It means pay as you go, which means you have to have the money to pay for it. If you have a program, you either have to raise taxes or cut the money from somewhere else to pay for it. Cut the energy subsidy if you need $14 billion or whatever to pay for Medicaid; find a way to control spending with the prescription drug program that is $700 billion and not doing anything to control the costs by allowing reimportation or allowing the Secretary of Health and Human Services to negotiate down the drug prices for the Medicare program and take that money and pay for what you want to pay, whether it is some of the Medicaid cuts that came up, or whether it was some of the college PELL grants or students loan cuts that were made in this recent budget.

But just to reinforce the PAYGO, the Democrats have supported PAYGO, period, and we have tried to get it reinstated time and time again. We will talk to our staff to make sure this gets up on our new Website. March 30, 2004, Representative MIKE THOMPSON, a Democrat from California, tried to instruct the budget conferees to include pay as you go requirements in the 2006 budget resolution. The Republicans voted, almost in lockstep to a number, 209 to 209, which I think every Democrat voted for it, to block it and to reject the pay as you go requirements to be included to instruct the budget conferees, it is a lot of mumbo jumbo. But Democrats were for pay as you go; the Republicans blocked it. That was March 30, 2004.

On May 5, 2004, Republicans voted by a vote of 208 to 215 to reject a motion by Representative Dennis Moore, a Democrat from Kansas. Again, we tried to get PAYGO established in the budget. Vote number 145. Then on November 18 of 2004, Republicans voted to block consideration of Mr. Stenholm's amendment from Texas to the debt limit increase. Last time they tried to get the debt increased, we wanted to say that if you are going to increase the debt, you better put the PAYGO requirements in. That was in 2004, and that was vote number 534. Three times Democrats have tried to institute fiscal discipline in this Chamber, and it has been rejected every time from the Republican majority.

So, Mr. Speaker, if you hear a Republican come up here, although there is a handful that have been supportive, but the leadership on the Republican side has time and time again rejected our amendments, Democratic amendments, to try to put in place fiscal restraint on this runaway spending that is going on, mortgaging our children's future by borrowing the money from the Chinese Government in order to fund their huge and their runaway spending, and we are trying to fix this.

We are just asking for an opportunity to implement some of these restraints that, as you stated earlier, were implemented in the '90s. I think George Herbert Walker Bush implemented them; Clinton; the Democratic Congress; the Republican Congress earlier that actually believed in fiscal discipline. This is a different outfit that we are dealing with now.

Ms. WASSERMAN SCHULTZ. And it is not like there are not Members on both sides of the aisle who have not lived under this before. I am not sure if it is the majority, but there is a significant plurality of Members in this Chamber who served in their State legislatures. And you talk to any Governor, talk to anyone currently serving in the State legislature, that is what they live every day.

Really, it is like you get to Congress, and you become a drunken sailor. You are suddenly freed from the restraints of fiscal conservatism. You do not have to think about operating in the black anymore. You can spend to your heart's content and not think about fiscal restraint and not think about how you are going to pay for it. It is essentially like, oh, I get to Congress, and I get this humongous Visa or Mastercard, and I get to do whatever I want with it. Well, that is not how it works for the American people on an everyday basis. If it does, they end up ultimately declaring bankruptcy.

Do we want to continue to travel down that path in the United States of America and be in a position where we cannot pay our debt one day? I mean, I am raising little kids. That is literally the future that we are planning for right now for the next generation.

Again, I want to draw some comparisons to words and deeds here, if you do not mind. The President again, as I said, talked about how our economy was healthy and vigorous. I do not know how you have a debt like this, bigger than any combined in the last 224 years, just in the last 4 years, and say that the economy is healthy and vigorous, but I guess we all use a different dictionary from time to time of health and vigor.

The President said that in the State of the Union, and let us just detail some facts related to the economy. President Bush, despite what he says about the 4.6 million new jobs that were created, still has the worst record on jobs since President Herbert Hoover. He added 108,000 jobs in December. He has lost a total of 2.8 million manufacturing jobs, 2.8 million manufacturing jobs. At this point in the last recovery, the economy had created about 5 million more jobs than we have seen in this supposed recovery, and millions of Americans who want to work still do not have jobs.

Now, last week I was sitting at home. I was on my couch watching CNN, and I saw the head of the Ford Motor Company announce plans to cut up to 30,000 jobs and close 14 plants. I was dumbfounded. I had just heard from the President not 10 days before that the state of our economy is healthy and vigorous, and he created 4.6 million jobs, and now Ford Motor Company is cutting 30,000. General Motors just announced plans to eliminate their set of 30,000 jobs. Adelphia, now in bankruptcy, is asking workers to accept a 55 percent pay cut. Verizon is phasing out its defined benefits and pension plans for about 50,000 management employees. We are not talking about management employees who are on the high end of the pay scale; management employees like middle management, regular people, people who are living close to if not paycheck to paycheck every single day. And IBM recently announced it would freeze pension benefits for its 117,000 U.S. workers.

In 2005, U.S. employers announced more than a million job cuts, which marks the first time since 2001 that annual job cuts increased. Now, like I said, I understand that leaders often use the words that paint the rosiest picture or paint the picture that they would like to see or that they would like people to perceive. I think it is pretty clear that the jobs record, the health of our economy, the vigor of our economy, the debt we are saddling our children with, the deficit that continues to balloon compared to the surplus that we had just 3½ short years ago, there is no resemblance to the reality that President Bush has painted and the reality that our constituents are living every single day. None. It is wrong.

Mr. RYAN of Ohio. And I just found out, too, today Wal-Mart is going to open another 1,500 stores. Now, Wal-Mart one way or the other. Now, that is not economic development. That is not economic growth, Wal-Mart jobs. Now, they may have a place in our society. You can argue it one way or another. That is not what we are talking about.

□ 2245

We are talking about this President saying that we are having real economic growth; and Wal-Mart is opening up 1,500 stores is not, to average Americans, actual economic growth.

And as you stated with the budget and the deficits, let's just look at what this President has done. We saw the numbers here, that he has borrowed more than the previous 200 years. He has run up the four largest deficits in the history of the United States of America, an annual deficit of $378 billion in 2003, a deficit of $413 billion in 2004, a deficit of $318 billion in 2005, and a projected deficit this year of $423 billion.

We are going to be spending more than we are taking in, and we are borrowing the money from the Chinese Government. Now, we are putting ourselves in a very difficult position, not only because we are borrowing money and we have to pay interest on it, which is reckless as could be, but strategically trying to deal with the Chinese Government, how can you be firm in your foreign policy when the Chinese Government is your bank? You can't go to your banker and negotiate from a position of weakness. If you have a lot of money and then you want to borrow some, you are in a good position. But if you go and you owe and you owe and you owe the bank, eventually the bank has the knife at your throat and you have got to deal on their terms, not on your terms. If you really need the money, well, then, the rate is going to go up because, hey, you're a little risky here. It is a risky loan to make.

My point is that although we may have good credit, the more we borrow from the Chinese Government, then the weaker our positioning is when we need to deal with the nuclear situation in North Korea or we need help in Iraq or we need to deal with the Russians or we need to work on the human rights violations that are going on in China, as they are totally suppressing freedom of speech and they are arresting journalists, with Google and a lot of our American companies helping them. There is religious persecution in China. No human rights, no labor rights, no environmental protections in China. They are just dumping things in the river, like we did 30 or 40 or 50 years ago.

So all of this borrowing is putting us in a real weak position to negotiate on a lot of other fronts.

So we are weakening ourselves at home and weakening our position abroad. And if we want to be helpful in the world, we have to be strong at home. A stronger America starts right here in the United States.

Ms. WASSERMAN SCHULTZ. I am just looking at some of the facts and figures that our staff has put together for us, and sometimes I have difficulty thinking about the size and scope of what it means to have the largest deficit in American history and a debt that combined with the previous 224 years is greater than the debt from those years. It is easier to deal with that information in nuggets, so let us talk about debt and its impact on individuals for a moment.

And since this is the 30-something Working Group and we often try to highlight the difficulty our generation is having or what our generation lives through, let us just go through some facts and figures comparatively for our generation through the years.

Since 1992–93, the average college grad student loan debt has grown from $12,100 to $19,300 in 2003, just 10 years. Over 25 percent of college graduates in 2003 had a student loan debt higher than $25,000, which is a 7 percent increase from 10 years ago. In 2002, 14 percent of young adults reported that student loans caused them to delay marriage, which is up from 7 percent in 1991. One in five said their debt had caused them to delay having children, up from 12 percent in 1991. Forty percent reported they delayed buying a home because of their loans, compared with 25 percent in 1991. And 17 percent significantly changed careers because of their debt, about the same as 1991.

The policy decisions that are made here, Mr. RYAN, the culture of corruption that translates into special interests and the wealthiest few being at the top of the heap here as opposed to the average working family or the average hardworking recent college graduate being put first or being considered at least on the same level has caused real strife, real difficulty.

Imagine being in love, finding the person you want to spend the rest of your life with, knowing you want to have children, knowing that you could potentially buy that house that you would love to live in and have the dream of homeownership, essentially the American Dream, and you have so much debt that you are saddled with because your government, your Congress did not at least provide the ability for you to get a higher education because it was more important to provide tax cuts to the wealthiest few; more important to provide tax breaks for Big Oil and for pharmaceutical companies and ensure that they are first in line. That is real life. Those are the real-life decisions that real people, our people, have to make. It is just so wrong.

I used to think about this in the legislature, too. You come up to Tallahassee in Florida, which is our capital, and Washington here, and we make policy in this body thousands of miles from our constituents, most of us, except those who live right around here. Sometimes I think that is really a significant cause of the insensitivity that clearly goes on in Washington. Because we are so disconnected from our constituents when we make policy.

It is not like a city council people, who has to deal with the in-your-face aspect of that type of governing. You know, if there is a dead dog on someone's driveway, that city council person knows about it and they will have to deal with that person in the supermarket or you are right up in their face in the dais. We cannot talk to the people that come here and are sitting

in the gallery, and so we are insulated from making those decisions. And perhaps that is wrong. As a result, we make decisions where the people who can get access to us, the people who have the money to pay to get in front of us, they get to be first in line; and I think that really ruins lives for people.

Mr. RYAN of Ohio. Absolutely. And when you talk about investment and the result of the ripple effect of investment in education, the shortsightedness in making these cuts that Republicans have made, increasing student loans, or a 50 percent increase in interest rates in college loans, where rates will increase from 4.1 percent to 6.8 percent in dealing with the college loans, if you look at what countries like Ireland have done as part of a reform package which included some tax cuts, which we are for, but we have to do them in a targeted responsible way. But one of the things they did in Ireland was they made college education free. Everybody goes. There are no barriers.

I think, why is it so complicated to figure out what the student loan process is like? Why can't we just have a form for student loans and it says how much you make, how much you get, and sign on the dotted line? This should be readily available. Because we know now that investing in a kid's education is the best investment we could possibly make in the return that we get. Because with a high school diploma you make $20,000 a year, $25,000 a year. With a college diploma, you make $40,000. With a master's degree you make $60,000. You are paying back more in taxes. So let us make the initial investment and make sure these students get through college, make sure there are no barriers, and long term we will get money back.

I have used this statistic before: the University of Akron did a study a few years back that said in Ohio for every dollar the State of Ohio invested in higher education, they got $2 back in tax money, for the very reason that people with college degrees make more money and, therefore, pay more in taxes back to the State. So it is a great investment to make.

Right now, Ms. WASSERMAN SCHULTZ, we are really being very shortsighted in what we are doing. Here is a chart that you can find on our Web page. The number, by the thousands of students that will graduate with engineering degrees this year. In an economy where we want to create jobs, you need engineers in order to create the kind of wealth that we need. In China, they will graduate 600,000 engineers. In India, they are going to graduate 350,000 engineers. In the United States, 70,000 engineers.

Now, I recognize that there are some population differences here, but the United States needs to compete with these folks in these other countries. And if we don't focus on making sure we reduce the barriers to college education so that everyone gets involved, create incentives for our students to get involved in engineering and chemistry and computer programming and the new high-tech jobs that are going to drive the economy and create wealth and lead to addressing some of the issues that Mr. BARTLETT was talking about with alternative energy sources, we are not going to be able to compete.

You can't have a tier-one military if you don't have a tier-one economy. So these investments that we want to make in education lead to economic growth, which expands the economy, which means we are going to be able to keep our military a tier-one military and a leader in the world. And it puts us in a position of strength, because as we grow the economy, we can stop borrowing money from the Chinese Government in order to fund our deficits; and then we will be in a stronger fiscal position here at home and then better able to deal with the problems that we have abroad.

We need to begin to do the kinds of things we are talking about, investing in education and at the same time not just throwing money at the problem but making sure that parents and teachers and principals and superintendents and local communities are held accountable. This isn't going to be we are just going to throw money at the problem like our Republican friends are doing. They want to curry favor with the senior citizens, they throw money at a $700 billion prescription drug program and they do not do anything to contain the costs. They do not allow reimportation from Canada to drop the price down, and they do not allow the Secretary of Health and Human Services to negotiate down the drug prices. You can't just throw money at the problem like our Republican friends want to do without having any accountability.

So the Democrats are looking for opportunities and have ideas to make sure we fund these programs. We do it in a responsible way, knowing that in the end the long-term growth is going to lead to budget surpluses like it did in the 1990s.

Ms. WASSERMAN SCHULTZ. I want to jump off from what you are saying in terms of America lagging behind global education standards with more emblematic examples of the difference between their rhetoric and their deeds.

The President, again in the State of the Union, talked about our one commitment being necessary above all in that we must continue to lead the world in human talent and creativity. Our greatest advantage in the world, he says, has always been our educated, hardworking, ambitious people and we are going to keep that edge. That evening he announced what he calls the American Competitiveness Initiative to encourage innovation throughout our economy and to give our Nation's children a firm grounding in math and science. He proposed doubling the Federal commitment to the most critical basic research programs and the physical sciences over the next 10 years and a number of other really lofty goals.

Let us match the rhetoric with the reality. Republicans have consistently, consistently failed to even come close to matching the rhetoric that the President laid out in the State of the Union in their deeds and actions in terms of making those words reality. Last year, Republicans provided less than one-third of the promised investment in the Math and Science Partnerships program, which is designed to increase student academic achievement in grades K through 12 in math and science. They have shortchanged the Tech Talent Act, which strengthens postsecondary education to increase the number of degrees in math, science, and engineering, by nearly 33 percent.

This comes at a time when only 36 percent of fourth graders and 30 percent of eighth graders tested proficient in math, but our twelfth graders scored at or near the bottom of math and science compared to other countries.

□ 2300

We could listen to the President say it until he is blue in the face, but until the Republican leadership here and the Members of Congress match what the President is saying with their votes, until he proposes a budget that actually reflects what his words said in the State of the Union, why should people believe them? They should not. They should not believe them because this is another example of how a pervasive culture of corruption and cronyism permeates itself all the way through the process and results in the reality on the ground in a budget that does the exact opposite in terms of producing the competitive talent that the President talked about in the State of the Union, because that cannot happen if you are slashing and burning the programs that accomplish that.

The American people are not stupid. They understand the difference between saying it and doing it. When I have traveled across the country, I hear from people that want to believe the things that their politicians tell them. They want to believe in us, and their confidence in this body, in Congress, in the government is so badly shaken by everything that has gone on through the culture of corruption that has gone on here. It has shaken the confidence that people have in this institution to its foundation. We have to do something about it. We have an opportunity to do something about it later this year. I hope that in my second term that I hope to serve in this Congress that things will change.

Mr. RYAN of Ohio. If you look at what the Democrats are offering, they say the Democrats do not have any ideas. That may sound good, but we are the party of ideas. We are beginning to communicate them, I think, in a way that is effective. If you look at Ms. PELOSI's innovation agenda that we came up with in our caucus by meeting with high-tech companies and asking

them what they want, if you look at our competitiveness agenda that we have, investments in research and development, R&D funding has stayed flat under the President's watch, and it is way below what it was 20 years ago. If we are going to be competitive, we have to make some investments in research and development. We are blowing money by giving subsidies to the energy companies when we should invest it in basic research.

I was in Israel in November. They are doing some fantastic things with venture capital and business incubators and research and development, and the Israeli companies have just surpassed Canada on the NASDAQ, and I asked one of the top dogs over there, what do we need to do in America to try to imitate what you are doing here?

He said the biggest mistake you are making in the United States is not making investment in research and development, because of the tremendous impact that has leading to new innovations. So cutting this funding, flat-lining the research and development funding is the wrong thing to do, where the Democrats are saying we need to make targeted investments into research and development, targeted investments in education, targeted investments into broadband penetration. Everybody in the country should have access to broadband in the next 5 years.

The President wants to do alternative energy, and he says we are going to become energy competitive, and this is typical of the kind of leadership we are getting from this President. We are going to make this country energy-independent by 75 percent in the next 20 years.

It is like, come on, Mr. President, let us go. We want to get things rolling in the country. We want to get things moving. We need your help, we need your leadership, and the country is dying for an alternative energy program; not to say we are going to be 75 percent in 2025. That is not the kind of leadership we need.

Democrats have a plan to do it in 10 years. This is the broadband penetration I was talking about that is going on. These are broadband subscribers per 100 inhabitants as of January 1 of last year. This is Korea, almost 25 percent; Hong Kong-China, almost 21 percent; Iceland, 15.5 percent; U.S., only 11 percent.

If we want every child to have an access to education, we need to make sure that they are not getting left behind technologically, which is what happens in many of these neighborhoods and many of these rural areas. Kids and families who do not have access to these kinds of things.

Ms. WASSERMAN SCHULTZ. Again, I want to highlight where words did not match deeds. The candidate President George W. Bush said before the election that we would have ''universal, affordable access to broadband technology by the year 2007.'' Well, the Bush administration has had no national policy to develop a universal broadband access even though building a robust, nationwide network would expand employment by 1.2 million new permanent jobs in our country.

This is the House Democrats' innovation agenda, which is available on HouseDemocrats.gov. We have a plan laid out how, which includes how we would get to universal broadband access within 5 years, and that we would make sure that we grow the math and science and engineers that we need in this country and make sure that we can match our rhetoric with action.

DEMOCRATIC AGENDA

The SPEAKER pro tempore (Mr. CAMPBELL of California). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for the remainder of the time until midnight.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, we again want to thank Leader NANCY PELOSI for the opportunity to talk about the things that are important to the American people. Again, we have laid out our vision for America's competitiveness into the future and how we can keep America number one and actually match rhetoric with what the President laid out in his State of the Union with action and deeds. You can get a copy of this, you can peruse a copy of our innovation agenda, which was developed not in Washington, not sitting around a conference table in a hearing room in the Nation's Capital, but out in the country, in the high-tech centers around this country, with bipartisan input, with the leaders and CEOs of some of the major technologically advanced corporations across this country that can be viewed at HouseDemocrats.gov. That is our Web site where you can get a copy of this.

Again, in addition to broadband access, we are the ones that laid out our commitment to growing a new generation of innovators. We committed in this document to educate 100,000 new scientists, engineers and mathematicians in the next 4 years by proposing a new initiative by working with States, businesses, and universities to provide scholarships to qualified students who commit to working in the fields of innovation.

But the Republicans could not say that they were going to do that because in every successive budget, they have cut student financial aid. You cannot make sure that you expand access to higher education in the math and sciences and in areas that are significantly underrepresented now unless you provide the aid that these students are going to need.

It is not that we do not have the students in these programs because there is a bumper crop of wealthy kids that are just not going into the math and sciences; it is to make sure that we go into the communities across this country and encourage and nurture the desire from the smallest children and the youngest ages and across the cultural and ethnic spectrum to ensure that people of all colors, of all economic walks of life choose to pursue math and science and engineering.

I read something earlier this morning that talked about China graduating 600,000 engineers. I think the number is right, that we graduated 50,000. I believe that it is that drastic a difference in terms of the proportion.

We have always been known as the innovators in the world. Every major accomplishment scientifically, at least in my lifetime, in our lifetime, has been achieved by Americans. But we are slowly but surely not going to be the leaders in those areas of science and math unless we go back to our traditional financial commitment to ensuring that kids can get access to education.

□ 2310

Mr. RYAN of Ohio. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. Absolutely.

Mr. RYAN of Ohio. One of the interesting things when I was over in China in August, they were talking about the engineers. And they have this tremendous advantage on us as far as numbers go. And so we were asking what is the advantage that the U.S. engineers have. And they were saying, well, U.S. engineers they are just the best in the world, they are the most creative in the world, and they work in teams better than any other engineer, any other country. And it is funny, because this week, and we have talked about this before, but this week we had the school board associations down here. And wouldn't you know, the programs that are getting cut because of lack of funding, No Child Left Behind, the burden that is being pushed, the bonds that need to be noted and the funding that needs to be gathered at a local level in order to fund the local public schools across the country, the programs that are being cut are those programs that teach our kids how to be more creative and how to work in teams better.

You hear a lot about the art programs getting cut, the music programs getting cut, the visual arts getting cut, the performing arts getting cut, language arts getting cut in a lot of these schools because they do not have the resources they need, or the school districts or the school systems are not organized the way they need to be organized.

And then you also see a lot of pay-to-play: $350. Well, a lot of families do not have an extra $350 to get their kids in activities. And if you have two or three kids, you are talking about a thousand bucks. That is a lot of money, I hate to break it to a lot of our friends on the other side who do not seem to understand this. So the very advantage that we have, we are cutting off our nose to spite our face. And those are the kinds of investments that we need to make,

not only invest, but restructure and reorganize the way that our education system runs today. And I think if we do a couple of these things and have the courage to lead, I think we are going to be able to do it.

Part of this, too, we need the parents involved; we need the parents to be accountable. We need the parents to be there with their kids. We need to make sure that the parents know that their kids have to do the homework. This is going to be a team effort. This is going to be us doing our job, the parents doing their job, the local school district doing their job, everybody coming together if we are going to be competitive in the 21st century. That is the only way this is going to happen.

And I think it is important, one final point here. I think it is important that if we are going to ask kids to get involved in the math and science and engineering and chemistry and all these things and areas of studies that we need them to get involved in, there needs to be a goal. And I think, really, the goal for the next generation is what Mr. BARTLETT was talking about a little while back, about what are we going to do with the alternative energy realm; who is going to develop the new and the latest technologies? Is this going to be a national effort? Not in 2025, Mr. President. Now.

You know, we went to the Moon in less than a decade. And it is going to take us 20 years to figure out how we are going to become energy independent so we can get out of these entanglements that we find ourselves in in the Middle East and in other countries.

Ms. WASSERMAN SCHULTZ. And I mean, forgive me. But, come on, am I the only one that felt it was a little disingenuous to hear from this President that America is addicted to oil and we need to end that addiction? I mean, come on. Where has the commitment to that been? In the two energy bills that we were asked to vote on in the last year since I have been here, where we were basically giving away the store to the energy and oil companies? I mean, where is the financial commitment? Where has it been to exploring alternative energy sources? Has there been a miraculous transformation in the White House that I am not aware of?

I just do not understand how the administration could not see that you have to, in order to get the American people to believe what you say and to have faith and restore their confidence and belief in you, you have to do what you say you are going to do. And that just does not seem to happen on almost any score, particularly not when it comes to energy independence and exploring alternative energy sources.

And you know, I am proud to be a member of the Democratic Caucus, because when we say something, we mean it. But when we lay out a goal, we back it up with how we might do it were we in charge. You know, we would make a funding commitment to exploring alternative energy resources. We would invest our energy and effort into the Midwest so that not only can we become foreign-oil independent, we can become independent from oil, period.

You know, I am from a State where I do not want to see drilling off the coast of my shoreline. None of my constituents want to see it either. So we need to explore other ways of generating energy in this country that are not dedicated solely to the production of oil, whether it is developed here or in another country. But we actually have to have a plan that would do that, and have Members who actually cast votes in favor of that plan, which just has not happened by any stretch of the imagination here that I have seen.

Mr. RYAN of Ohio. No.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, we spent a great deal of time tonight talking about the challenges that are facing our country, and the thing that I have noticed that is the most frustrating for me, Mr. RYAN, is in the short time that I have been here, you know, I was hopeful that just like when I was in the Florida senate, I was able to work effectively across the aisle and on the major issues that were important to our State, just like I was hopeful that we would be able to do here for the important issues in our country.

I was hopeful that I could come to the Congress and sit down, and I was ready to continue to work with Members on the other side on the major issues, not the issues on the margins, because, you know, you are able to find individual Members who you can work with one on one or in small groups on various issues, but on the hot-button issues, on education, on health care, on energy, on prescription drugs, on any of the issues that are really significant to the American people.

It is like those issues are radioactive somehow, and there seems to be an impenetrable wall around the Republican Conference, where it is virtually impossible to get any Member from the other side of the aisle to sit down with a group on our side of the aisle and try to hammer out compromise.

I just do not come from a place where I was used to dealing with my-way-or-the-highway rules of engagement. And you know, maybe now that there is new leadership in the Republican Conference, things will change. Certainly we are hearing words to that effect. It remains to be seen whether those words will be backed up by action. And I look forward to that possibility. I know you do too.

Do you want to talk about the Web site and tell people how they can get in touch with us and reach out to us?

Mr. RYAN of Ohio. Absolutely, I do.

Ms. WASSERMAN SCHULTZ. We have a new Web site, Mr. RYAN. We revamped it, and it has a lot of new cool bells and whistles.

Mr. RYAN of Ohio. Yeah. We are getting really high-tech here. Www.housedemocrats.gov/30something. The innovation agenda that you mentioned will be available so you can hear the new ideas that the Democrats are coming up with. And I think if you look through this, I mean, this is exciting stuff. And you know, I am not just toeing the party line here. I am very, very excited about what we are offering and what we get to talk about over the course of the next year. As we ask the people of this country who put us in charge of the House of Representatives for oversight purposes, with the war, and everything else that is going on, we need to make sure that there is balance in government, and I think that the folks at home and the folks, Members of Congress and their offices, will be able to come to the Web site, see what we are talking about.

Www.housedemocrats.gov/30something. You go to the bottom, you can see all the posters that we have up. You can see our innovation agenda. We have got a lot of really good things going on, and we are going to keep plugging away over the course of the next year to try to let the people know at home that we have good ideas that we want to help move this country forward.

And one final point that I would like to make regarding all of this is that the country of China has 1.3 billion people. The country of India has over a billion people. And we have 300 million in this country. The Democratic agenda, whether we are talking about energy, investments, education, health care, we are about pulling our country together as a community, as a family and moving forward and knowing that you cannot compete against that many people and not be unified. And what the Democratic innovation agenda, our agenda on health care, energy independence, whatever it may be, is about pulling everybody together, making sure that every kid in the country has a quality education, has health care, has an opportunity to live and work and create wealth in the United States and live the American Dream as they see it. So, again, www.housedemocrats.gov/30something.

Got to give a shout out to our guy from Florida who was not able to make it here tonight, Mr. MEEK. It is never the same without him. Sometimes it is never the same good, sometimes it is never the same bad.

□ 2320

But we miss him here tonight.

Ms. WASSERMAN SCHULTZ. Thank you. We do miss our good friend from the great State of Florida, who is in the neighboring district next to me.

I do want to point out to people who might have seen this tonight that they not only can find all of the posters that we use usually on the next day once we have first introduced one on the floor, but they can also submit questions and comments to us through our Website. We want to make this as interactive as possible and get their feedback and

input, and we want to know what their concerns are.

The leader has given us this opportunity to speak to the American people, and our generation is often underrepresented in terms of the things that we care about in this country. And it is a privilege to serve in this body with you, Mr. RYAN, and under the leadership of NANCY PELOSI.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. BLUMENAUER (at the request of Ms. PELOSI) for today.

Mr. COSTA (at the request of Ms. PELOSI) for today.

Mr. HINCHEY (at the request of Ms. PELOSI) for today on account of illness.

Ms. MCCOLLUM of Minnesota (at the request of Ms. PELOSI) for today.

Mr. STUPAK (at the request of Ms. PELOSI) for today.

Ms. WOOLSEY (at the request of Ms. PELOSI) for today.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of illness.

Mr. WAMP (at the request of Mr. BOEHNER) for today and the balance of the week on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

(The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. MACK, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, February 14.

Mr. JONES of North Carolina, for 5 minutes, February 14 and 15.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4636. An act to enact the technical and conforming amendments necessary to implement the Federal Deposit Insurance Reform Act of 2005, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1932. An act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, pursuant to House Concurrent Resolution 332, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. CAMPBELL of California). Accordingly, pursuant to House Concurrent Resolution 332, 109th Congress, the House stands adjourned until 2 p.m. on Tuesday, February 14, 2006.

Thereupon (at 11 o'clock and 21 minutes p.m.), pursuant to House Concurrent Resolution 332, the House adjourned until Tuesday, February 14, 2006, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of February 7, 2006]

6080. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Lance W. Lord, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6081. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Philip R. Kensinger, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6082. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel John D. Johnson, United States Army,to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6083. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Gary D. Speer, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

6084. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Wheatland, Rock River, Lusk, Gillette, Moorcroft, Pine Haven, Upton, Wyoming, and Edgemont, Custer, Murdo, Wall and Ellsworth AFB, South Dakota) [MB Docket No. 05–98] (RM–11187; RM–11252; RM–11253) received January 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6085. A letter from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Accounting and Financial Reporting for Public Utilities Including RTOs [Docket No. RM04–12–000; Order No. 668] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6086. A letter from the Regulations Coordinator, Food and Drug Administration, transmitting the Administration's final rule—Requirements on Content and Format of Labeling for Human Prescription Drug and Biological Products [Docket No. 2000N–1269] (formerly Docket No. 00N–1269) (RIN: 0910–AA94) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6087. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

6088. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003,and August 6, 2004 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

6089. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 01-06 which informs of an intent to sign a Memorandum of Agreement (MOA) between the United States and the United Kingdom concerning Joint U.S./UK Sea-Ballistic Missile Defense Studies, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6090. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

6091. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6092. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6093. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of

State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6094. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

6095. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

6096. A letter from the Secretary, Department of Commerce, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification for calendar year 2005; to the Committee on International Relations.

6097. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for a drawdown to support the Transitional Islamic State of Afghanistan, pursuant to Section 202 and other relevant provisions of the Afghanistan Freedom Support Act (Pub. L. 107–327, as amended) and Sections 506 and 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

6098. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification pursuant to Condition 7(C)(i), Effectiveness of the Australia Group; to the Committee on International Relations.

6099. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: Registration Fee Change (RIN: 1400–AB97) received January 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6100. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting on behalf of the President, the report, ''the President's Emergency Plan for AIDS Relief: Annual Report on the Global Fund to Fight AIDS, Tuberculosis, and Malaria,'' pursuant to Public Law 108–25; to the Committee on International Relations.

6101. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled, ''Report on Congress on Arms Control, Nonproliferation and Disarmament Studies,'' pursuant to 31 U.S. 1113 note; to the Committee on International Relations.

6102. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–270, ''Parkside Terrace Economic Development Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6103. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–266, ''Terrorism Prevention in Hazardous Materials Transportation Act of 2006'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6104. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–267, ''Nuisance Abatement Reform Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6105. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–276, ''Department of Health Functions Clarification Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6106. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–275, ''Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6107. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–274, ''Low-Emissions Motor Vehicle Tax Exemption Temporary Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6108. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–272, ''Contracting and Procurement Reform Task Force Establishment Temporary Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6109. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–273, ''Uniform Mediation Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6110. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–271, ''Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Temporary Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6111. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–269, ''Office of Administrative Hearings Term Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6112. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–265, ''Domestic Partnership Equality Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6113. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–264, ''Library Enhancement, Assessment, and Development Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6114. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–251, ''New Columbia Community Land Trust 22nd and Channing Streets, N.E. Tax Exemption Temporary Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6115. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–253, ''DC–USA Economic Development Temporary Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6116. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–250, ''Washington Convention Center Authority Advisory Committee Continuity Second Temporary Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6117. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16–268, ''Health Care Benefits Expansion Amendment Act of 2006,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6118. A letter from the Chief Human Capital Officer/Director, HR, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6119. A letter from the American Legion, transmitting the financial statement and independent audit of The American Legion proceedings of the 87th annual National Convention of the American Legion, held in Honolulu, Hawaii from August 23, 24, and 25, 2006 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 109–87); to the Committee on Veterans' Affairs and ordered to be printed.

[Submitted on February 8, 2006]

6120. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106–246, section 3204(f) (114 Stat. 577); to the Committee on Armed Services.

6121. A letter from the Secretary, Department of Health and Human Services, transmitting as required by Sections 913(b)(2) and Section 902(g) of the Healthcare Research and Quality Act of 1999 (Pub. L. 106–129), reports entitled ''The National Healthcare Quality Report 2005'' (NHQR) and ''The National Healthcare Disparities Report 2005'' (NHDR); to the Committee on Energy and Commerce.

6122. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act, pursuant to Public Law 103–160, section 1203(d) of Title XII Public Law 102–511, section 502; to the Committee on International Relations.

6123. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Inspector General's semiannual report for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6124. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6125. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6126. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6127. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6128. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6129. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6130. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, and the Office of Management and Budget Memorandum 05–01, the Department's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

6131. A letter from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's Report to Congress on FY 2005 Competitive Sourcing Efforts; to the Committee on Government Reform.

6132. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the FY 2005 annual report under the Federal Managers' Financial Integrity Act (FMFIA), pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6133. A letter from the Acting Chief of Staff, Federal Mediation and Conciliation Service, transmitting the FY 2005 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6134. A letter from the Acting Administrator, General Services Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Administration's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

6135. A letter from the President and CEO, Inter-American Foundation, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Foundation's Report to Congress on FY 2005 Competitive Sourcing Efforts; to the Committee on Government Reform.

6136. A letter from the Director, National Gallery of Art, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Gallery's report on competitive sourcing efforts for FY 2003 and 2004; to the Committee on Government Reform.

6137. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's Report to Congress on FY 2005 Competitive Sourcing Activities; to the Committee on Government Reform.

6138. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6139. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Agency's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

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 calender, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3729. A bill to provide emergency authority to delay or toll judicial proceedings in the United States district and circuit courts; with the amendment (Rept. 109–371). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2791. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes (Rept. 109–372). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4093. A bill to provide for the appointment of additional Federal circuit and district judges, to improve the administration of justice, and for other purposes; with an amendment (Rept. 109–373). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ENGLISH of Pennsylvania:

H.R. 4707. A bill to amend the Internal Revenue Code of 1986 to restructure and replace the income tax system of the United States to meet national priorities, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Ms. DELAURO, Mr. JEFFERSON, Mr. EMANUEL, and Mr. MELANCON):

H.R. 4708. A bill to increase the refundable amount of the child credit in the case of taxpayers who had a primary residence in the Hurricane Katrina disaster area on August 28, 2005; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. CONYERS, Mr. GOODLATTE, Mr. SCOTT of Virginia, Mr. CANNON, Ms. ZOE LOFGREN of California, Mr. WILSON of South Carolina, Ms. HERSETH, and Mr. REICHERT):

H.R. 4709. A bill to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself and Mr. SMITH of Texas):

H.R. 4710. A bill to amend title 28, United States Code, to improve the delivery of Federal judicial services by requiring the equitable and rational calculation of rent to be paid to the General Services Administration; to the Committee on Transportation and Infrastructure, 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. FALEOMAVAEGA:

H.R. 4711. A bill to establish a Federal District Court of American Samoa; to the Committee on the Judiciary.

By Mr. BAIRD:

H.R. 4712. A bill to amend the Surface Transportation Assistance Act of 1982 to clarify that the Buy America provision applies to an entire bridge project, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOSWELL:

H.R. 4713. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture.

By Mr. BOSWELL:

H.R. 4714. A bill to make the sale or fraudulent transfer of telephone records a criminal offense; to the Committee on the Judiciary.

By Mr. BRADLEY of New Hampshire (for himself, Mr. JEFFERSON, Mr. GOODE, and Mr. SCOTT of Georgia):

H.R. 4715. A bill to amend title XVIII of the Social Security Act to extend the 2006 annual coordinated election period for Medicare prescription drug plans through August 15, 2006; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. COLE of Oklahoma (for himself, Mr. REHBERG, Mr. GOODE, Mr. UDALL of Colorado, Mr. CONAWAY, Mr. SANDERS, Mr. CASE, Mr. GILLMOR, and Mr. LUCAS):

H.R. 4716. A bill to amend the Internal Revenue Code of 1986 to provide credits for individuals and businesses for the installation of certain wind energy property; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 4717. 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 Resources.

By Mr. DEFAZIO:

H.R. 4718. A bill to require prescription drug manufacturers, packers, and distributors to disclose certain gifts provided in connection with detailing, promotional, or other marketing activities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. RANGEL, Mr. STARK, and Mr. BROWN of Ohio):

H.R. 4719. A bill to amend titles XVIII and XIX of the Social Security Act to make improvements to payments to Medicare Advantage plans and to reinstate protections in the Medicaid program for working families, their children, and the disabled against excessive out-of-pocket costs, inadequate benefits, and health care coverage loss; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. DOOLITTLE:

H.R. 4720. A bill to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the ''Beverly J. Wilson Post Office Building''; to the Committee on Government Reform.

By Mr. EMANUEL (for himself and Ms. DELAURO):

H.R. 4721. A bill to require the Secretary of Health and Human Services to provide Federal Medicaid funding for State costs associated with ensuring access to prescription

drug benefits to part D eligible individuals; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. BOUCHER, Mr. TOWNS, Mr. PALLONE, Mr. RUSH, Mr. STUPAK, Mr. STRICKLAND, Ms. DEGETTE, Mrs. CAPPS, Mr. ALLEN, Ms. SCHAKOWSKY, Mr. MCNULTY, Mr. JEFFERSON, Mr. EMANUEL, and Mr. KENNEDY of Rhode Island):

H.R. 4722. A bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under part D of such title for certain full-benefit dual eligible individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. FORD:

H.R. 4723. A bill to amend title XVIII of the Social Security Act to extend the 2006 open enrollment period for Medicare prescription drug plans and MA-PD plans through September 30, 2006; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. INSLEE (for himself and Mr. GILCHREST):

H.R. 4724. A bill to establish requirements with respect to the transfer of oil to or from an onshore or offshore facility, or a vessel with a capacity of over 250 barrels in United States waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GOODLATTE (for himself, Mr. PETERSON of Minnesota, Mr. NEUGEBAUER, Mrs. JO ANN DAVIS of Virginia, Mr. TANCREDO, Mr. HEFLEY, Mr. BARTLETT of Maryland, Mrs. BIGGERT, Mr. GOODE, Mr. MICA, Mr. SENSENBRENNER, Mr. TIAHRT, Mr. BARRETT of South Carolina, Mr. CHOCOLA, Mr. BONNER, and Mr. HOSTETTLER):

H.R. 4725. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. ISSA:

H.R. 4726. A bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on Energy and Commerce.

By Mr. FARR (for himself, Mr. ABERCROMBIE, Mr. BISHOP of Georgia, Mr. BILIRAKIS, Mr. BOSWELL, Mr. BURTON of Indiana, Ms. CARSON, Mr. CONYERS, Mr. CASE, Mr. DOGGETT, Mr. EVANS, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. HERSETH, Mr. HIGGINS, Mr. HONDA, Mr. HOLT, Mrs. MALONEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. PETERSON of Minnesota, Mr. SCHIFF, Mr. SPRATT, Mr. UDALL of New Mexico, Ms. WASSERMAN SCHULTZ, Mr. WAXMAN, Mr. NEY, Mr. RANGEL, Mr. SKELTON, Ms. SCHAKOWSKY, and Mr. KENNEDY of Rhode Island):

H.R. 4727. A bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. MARCHANT):

H.R. 4728. A bill to authorize the Director of the Federal Emergency Management Agency to provide caseworker assistance to persons evacuated from their homes as a result of Hurricane Katrina or Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE (for himself, Mr. MEEHAN, Mr. BROWN of Ohio, Mr. RYAN of Ohio, Mr. MCCOTTER, Mr. TIBERI, Mr. NEY, Mr. SIMMONS, Mr. RUSH, Mr. DOYLE, Mr. EVANS, Mr. MCHUGH, Mrs. MILLER of Michigan, Mrs. JONES of Ohio, Mr. REYNOLDS, and Mr. KUCINICH):

H.R. 4729. A bill to provide a refundable tax credit for certain home energy costs; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 4730. A bill to amend title 37, United States Code, to require the phased recovery of overpayments of pay and allowances made to members of the uniformed services, to delay the start of overpayment recovery from members who are wounded or injured, or who incur an illness, in a combat operation or combat zone, and for other purposes; to the Committee on Armed Services.

By Mr. MARKEY:

H.R. 4731. A bill to require owners of Internet websites to destroy obsolete data containing personal information; to the Committee on Energy and Commerce.

By Mr. PORTER:

H.R. 4732. A bill to amend title 18, United States Code, to provide Federal penalties for killing federally funded public safety officers; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. CARDIN, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. BECERRA, Mr. POMEROY, and Mr. DAVIS of Alabama):

H.R. 4733. A bill to establish the Office of the Congressional Trade Enforcer, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, 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. REYES:

H.R. 4734. A bill to establish a comprehensive education program to bolster the economic competitiveness and national security of the United States by promoting science, technology, engineering, and math education, careers, and capacity, as well as foreign language acquisition; to the Committee on Education and the Workforce, and in addition to the Committee on Science, 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. ROYCE:

H.R. 4735. A bill to create a national commission, modeled after the successful Defense Base Closure and Realignment Commission, to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient executive agencies; to the Committee on Government Reform.

By Mr. SIMMONS (for himself, Mr. MOORE of Kansas, Mrs. BIGGERT, Mr. KIRK, Mr. OBERSTAR, Mr. RYAN of Ohio, Mr. MICHAUD, and Mr. SNYDER):

H.R. 4736. A bill to amend the Foreign Assistance Act of 1961 to authorize assistance to provide contraceptives in developing countries in order to prevent unintended pregnancies, abortions, and the transmission of sexually transmitted infections, including HIV/AIDS; to the Committee on International Relations.

By Mr. THOMPSON of California (for himself, Mr. RANGEL, Mr. STARK, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. TANNER, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. TAYLOR of Mississippi, Mr. CASE, Mr. ABERCROMBIE, Mr. MOORE of Kansas, Mr. CARDOZA, Mr. BOSWELL, Ms. WOOLSEY, Mr. MCGOVERN, Mrs. TAUSCHER, Mr. COOPER, Mr. MELANCON, Mr. SCHIFF, Ms. HERSETH, Mr. BOYD, Mr. BISHOP of Georgia, Mr. BARROW, Mr. BERRY, and Mr. SALAZAR):

H.R. 4737. A bill to provide additional funding for State health insurance counseling programs for Medicare part D enrollment; to the Committee on Appropriations, and in addition to the Committees on Ways and Means, and Energy and Commerce, 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. UDALL of Colorado:

H.R. 4738. A bill to establish a commission to strengthen confidence in Congress; to the Committee on House Administration.

By Mr. WEXLER (for himself, Mr. FOLEY, and Mr. EVANS):

H.R. 4739. A bill to provide compensation to individuals who, during the Vietnam conflict, were employees of the Federal Government or contractor employees of the Department of Defense and suffered disability or death from exposure to Agent Orange; to the Committee on the Judiciary.

By Mr. STEARNS:

H.J. Res. 77. A joint resolution proposing an amendment to the Constitution of the United States to authorize the President to reduce or disapprove any appropriation or authorization of new direct spending in any bill presented by Congress; to the Committee on the Judiciary.

By Mr. MORAN of Kansas (for himself, Mr. MOORE of Kansas, Mr. THORNBERRY, Mr. BOSWELL, Mr. RYUN of Kansas, Mr. TIAHRT, and Mr. DINGELL):

H.J. Res. 78. 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 Resources.

By Mr. FILNER:

H. Con. Res. 334. Concurrent resolution commending the persons who were inducted for service in the United States Armed Forces during World War II; to the Committee on Armed Services.

By Mr. AL GREEN of Texas (for himself, Mr. HYDE, Mr. BUTTERFIELD, Mr. CLEAVER, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. MEEKS of New York, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. WYNN, Mr. SCOTT of Georgia, Mr. CLAY, Mr. PAYNE, Mr. TOWNS, Mr. SCOTT of Virginia, Mr. HOLT, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. FATTAH, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. HONDA, Mr. DOGGETT, Ms. MCCOLLUM of Minnesota, Mr. ISRAEL, Mr. KUCINICH, Mr. SABO, Mr. FARR, Mr. WATT, Mr. CROWLEY, Ms. WATERS, Mr. MELANCON, Ms. SOLIS, Mr. BROWN of Ohio, Mr. PRICE of North Carolina, Mr. MOORE of Kansas, Mr. NADLER, Mr. CAPUANO, and Ms. WATSON):

H. Con. Res. 335. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People

on the occasion of its 97th anniversary; to the Committee on the Judiciary.

By Mr. HOLT (for himself and Mr. MARKEY):

H. Con. Res. 336. Concurrent resolution commending the Bulletin of the Atomic Scientists on the 60th anniversary of publication; to the Committee on Government Reform.

By Mr. RADANOVICH (for himself, Mr. FORD, Mr. ADERHOLT, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BASS, Mrs. BIGGERT, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BLUNT, Mr. BOEHNER, Mrs. BONO, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CANNON, Mr. CANTOR, Mrs. CAPITO, Mr. CARDOZA, Mr. CARTER, Mr. CASTLE, Mr. CHABOT, Mr. COBLE, Mr. COLE of Oklahoma, Mr. CONAWAY, Mr. COSTA, Mr. CULBERSON, Mr. DEAL of Georgia, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. DREIER, Mr. DUNCAN, Mr. EVERETT, Ms. FOXX, Mr. FRELINGHUYSEN, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GILCHREST, Mr. GILLMOR, Mr. GINGREY, Mr. GREEN of Wisconsin, Ms. HART, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HOSTETTLER, Mr. HULSHOF, Mr. INGLIS of South Carolina, Mr. ISSA, Mr. ISTOOK, Mr. JONES of North Carolina, Mr. KELLER, Mr. KINGSTON, Mr. KOLBE, Mr. LAHOOD, Mr. LATHAM, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. PITTS, Mr. REHBERG, Mr. RENZI, Mr. SESSIONS, Mr. SHADEGG, Mr. SHUSTER, Mr. SOUDER, Mr. TIBERI, Mr. WELDON of Pennsylvania, Mr. BROWN of South Carolina, Mr. FRANKS of Arizona, Mr. GUTKNECHT, Mr. WHITFIELD, Mr. WICKER, and Mr. WILSON of South Carolina):

H. Con. Res. 337. Concurrent resolution encouraging all Americans to increase their charitable giving, with the goal of increasing the annual amount of charitable giving in the United States by one percent; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. BURTON of Indiana, and Mr. CHABOT):

H. Con. Res. 338. Concurrent resolution expressing the sense of Congress regarding the activities of Islamist terrorist organizations in the Western Hemisphere; to the Committee on International Relations.

By Mr. GINGREY:

H. Res. 671. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. PALLONE:

H. Res. 672. A resolution urging the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam to engage positively in the forthcoming peace talks and prevent a return to armed conflict in Sri Lanka; to the Committee on International Relations.

ADDITIONAL SPONSORS

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

H.R. 25: Mr. TIAHRT.
H.R. 111: Mr. CARDIN.
H.R. 115: Mr. SCHWARZ of Michigan.
H.R. 202: Mr. MCGOVERN.
H.R. 282: Mr. FRANK of Massachusetts, Mrs. JONES of Ohio, and Mr. FOSSELLA.
H.R. 390: Mr. BISHOP of Georgia, Mr. CROWLEY, and Mr. RUPPERSBERGER.
H.R. 398: Mr. MCGOVERN, Ms. MCCOLLUM of Minnesota, Mr. COSTELLO, and Mr. LARSON of Connecticut.
H.R. 503: Ms. PRYCE of Ohio.
H.R. 517: Mr. PEARCE, Mr. YOUNG of Alaska, Mr. POE and Mr. LUCAS.
H.R. 547: Mr. MEEHAN.
H.R. 550: Mr. MURPHY.
H.R. 551: Ms. MATSUI and Mrs. CAPPS.
H.R. 552: Mr. BISHOP of Utah and Mr. RYAN of Wisconsin.
H.R. 591: Mr. FOSSELLA and Mr. TANCREDO.
H.R. 654: Mr. FARR.
H.R. 676: Ms. ROYBAL-ALLARD.
H.R. 698: Mr. ADERHOLT.
H.R. 759: Mr. PALLONE.
H.R. 761: Mr. MEEHAN.
H.R. 769: Mr. LYNCH.
H.R. 799: Mr. OWENS, Mr. GRIJALVA, and Mr. BRADY of Pennsylvania.
H.R. 910: Mr. KENNEDY of Rhode Island.
H.R. 916: Mr. MELANCON.
H.R. 964: Mr. CAPUANO, Mr. JEFFERSON, Mr. CASE, Ms. BALDWIN, Mr. GOODLATTE, Mr. MORAN of Virginia, Mr. MICHAUD, and Mr. CHANDLER.
H.R. 995: Mr. TANCREDO.
H.R. 997: Mr. MICA and Mr. MCCOTTER.
H.R. 999: Mr. BACHUS and Mr. MICHAUD.
H.R. 1053: Mr. PASCRELL.
H.R. 1106: Mr. REYES.
H.R. 1107: Mr. HIGGINS.
H.R. 1227: Mr. BARTLETT of Maryland and Mr. GALLEGLY.
H.R. 1245: Mr. SIMPSON, Mrs. NAPOLITANO, Mr. ROSS, Mr. SCHWARZ of Michigan, Mr. OBERSTAR, Ms. HOOLEY, and Mr. VISCLOSKY.
H.R. 1259: Mr. WALSH, Mr. STEARNS, Mr. GILCHREST, Mr. FORBES, Mr. LEWIS of Kentucky, Mr. TIERNEY, Mr. JOHNSON of Illinois, Mr. REICHERT, Mr. FORTENBERRY, Mr. MCKEON, Mr. EHLERS, Mr. BOEHLERT, Mr. WOLF, Mr. KNOLLENBERG, Mr. CAMP of Michigan, Mr. FRELINGHUYSEN, Mr. GOODE, Mr. HULSHOF, Mr. ROGERS of Michigan, Mr. THOMAS, Mr. HOBSON, Mrs. KELLY, Mr. SWEENEY, Ms. HARRIS, Mr. GERLACH, Mr. DREIER, Mr. HYDE, Mr. PRICE of Georgia, Mr. BURGESS, and Mr. GILLMOR.
H.R. 1264: Mr. BOSWELL, Mr. PICKERING, and Mr. MCGOVERN.
H.R. 1277: Mr. SHERMAN.
H.R. 1310: Ms. ZOE LOFGREN of California.
H.R. 1317: Mr. BOUCHER.
H.R. 1322: Mr. DELAHUNT.
H.R. 1356: Mr. COOPER.
H.R. 1360: Mr. WELDON of Pennsylvania.
H.R. 1366: Mr. MILLER of Florida.
H.R. 1375: Mr. MILLER of Florida.
H.R. 1384: Mr. HERGER.
H.R. 1554: Mr. MEEHAN and Mr. HALL.
H.R. 1558: Mr. MORAN of Virginia.
H.R. 1561: Mr. MORAN of Virginia, Mr. BARROW, Mr. SIMMONS, Mr. ROTHMAN, and Mr. SNYDER.
H.R. 1562: Mr. ALEXANDER.
H.R. 1632: Mr. FATTAH.
H.R. 1642: Mr. BEAUPREZ, Mr. BACHUS, Mrs. MYRICK, Mr. DANIEL E. LUNGREN of California, Mr. RADANOVICH, Ms. BORDALLO, Ms. HARRIS, Ms. NORTON, Mr. MORAN of Kansas, Ms. ESHOO, and Mr. DEFAZIO.
H.R. 1646: Mr. TIERNEY.
H.R. 1652: Mr. LEVIN.
H.R. 1696: Mr. BOYD and Mr. BUTTERFIELD.
H.R. 1749: Mr. CHOCOLA.
H.R. 1807: Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. HONDA, Mr. EVANS, Mrs. MCCARTHY, Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NADLER, Mr. HINCHEY, and Mr. AL GREEN of Texas.
H.R. 1951: Mr. SPRATT and Mr. HALL.
H.R. 2014: Mr. SWEENEY.
H.R. 2063: Mr. OTTER and Mr. PITTS.
H.R. 2071: Mr. WYNN.
H.R. 2355: Mr. PLATTS.
H.R. 2369: Mr. NEAL of Massachusetts, Mr. OSBORNE, Mr. PAYNE, Mr. PAUL, Mr. SANDERS, Ms. SCHWARTZ of Pennsylvania, Mr. WEINER, Mr. WHITFIELD, Mr. WOLF, Mr. THOMPSON of Mississippi, Mr. ALEXANDER, Mr. BACHUS, Mr. BUTTERFIELD, Mr. CONYERS, Mr. GRIJALVA, Ms. MATSUI, Mr. MCGOVERN, Mr. NEY, Ms. NORTON, Mr. OWENS, Mr. PETERSON of Minnesota, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Mr. SENSENBRENNER, Ms. BERKLEY, Ms. CARSON, Mr. DOYLE, Mr. FOSSELLA, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. MILLER of Florida, Mrs. MCCARTHY, Mr. RYAN of Ohio, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, Mr. LYNCH, Mrs. MALONEY, Mr. HINCHEY, Ms. MILLENDER-MCDONALD, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. CUMMINGS, Mr. BISHOP of Georgia, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mr. BERRY, Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. CASE, Mr. CAPUANO, Mr. WELLER, and Mr. SERRANO. Mr. WELLER, and Mr. SERRANO.
H.R. 2389: Mr. TANCREDO.
H.R. 2533: Mr. SIMMONS.
H.R. 2561: Mr. REYES.
H.R. 2642: Mr. SCOTT of Georgia and Ms. JACKSON-LEE of Texas.
H.R. 2669: Ms. PRYCE of Ohio.
H.R. 2671: Mr. FATTAH.
H.R. 2694: Mrs. MCCARTHY, Mr. EVANS, and Mr. HOLDEN.
H.R. 2730: Mr. SCHWARZ of Michigan and Mr. RAMSTAD.
H.R. 2828: Mr. LANTOS.
H.R. 2861: Mr. PICKERING, Mr. CHANDLER, Ms. ROYBAL-ALLARD, and Mr. FATTAH.
H.R. 2869: Mr. WEXLER.
H.R. 2872: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROGERS of Kentucky, Mr. CUELLAR, Mr. BOUCHER, Mr. PETRI, Mr. KING of Iowa, Mr. EDWARDS, Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. DAVIS of Tennessee, Mr. INGLIS of South Carolina, Mr. GALLEGLY, Ms. ESHOO, Mrs. NORTHUP, Mr. CLAY, Mr. REYNOLDS, Mr. WU, Mr. LATHAM, Mr. TAYLOR of North Carolina, Mr. COBLE, and Mr. STEARNS.
H.R. 2943: Mr. RUSH, Mr. SMITH of Washington, Mrs. EMERSON, Mr. BERRY, Mr. DENT, Mr. MCCOTTER, and Mr. FITZPATRICK of Pennsylvania.
H.R. 2962: Mr. ALLEN and Mr. GRIJALVA.
H.R. 3006: Mr. DOYLE and Mr. MCGOVERN.
H.R. 3038: Mr. GONZALEZ.
H.R. 3052: Mr. ROTHMAN.
H.R. 3072: Mr. OWENS and Ms. MCKINNEY.
H.R. 3127: Mrs. TAUSCHER, Mr. KIRK, Mr. DENT, Ms. MOORE of Wisconsin, Mr. BROWN of Ohio, and Mr. BAIRD.
H.R. 3137: Mr. GOODLATTE.
H.R. 3142: Ms. BALDWIN.
H.R. 3145: Mr. OWENS, Mr. CLEAVER, Mr. CASE, Ms. LEE, Mr. ETHERIDGE, and Mr. INSLEE.
H.R. 3162: Mr. CARNAHAN.
H.R. 3195: Mr. HINOJOSA.
H.R. 3255: Mr. OWENS, Mrs. BLACKBURN, and Mr. DAVIS of Kentucky.
H.R. 3307: Mr. SIMMONS, Mr. MICHAUD, Mr. STARK, and Mr. ABERCROMBIE.
H.R. 3334: Mr. MELANCON, Mr. MICHAUD, Mr. CASE, and Mr. SCOTT of Virginia.
H.R. 3337: Mr. CONYERS.
H.R. 3352: Ms. CARSON.
H.R. 3358: Mr. VAN HOLLEN and Mr. EVANS.
H.R. 3373: Mr. BRADLEY of New Hampshire and Mrs. BIGGERT.
H.R. 3379: Mr. MOORE of Kansas.
H.R. 3380: Mr. MOORE of Kansas.
H.R. 3449: Mr. GRIJALVA.
H.R. 3468: Mr. ABERCROMBIE.
H.R. 3470: Mr. MOORE of Kansas.
H.R. 3471: Mr. MOORE of Kansas.
H.R. 3476: Mr. SESSIONS, Mr. HENSARLING, Mr. BRADLEY of New Hampshire, Mr. GERLACH, and Ms. GRANGER.

H.R. 3499: Mrs. MYRICK.
H.R. 3559: Mr. MCNULTY, Mr. OWENS, Mr. HIGGINS, Mr. ISRAEL, Mr. LAHOOD, Ms. SLAUGHTER, Mr. SOUDER, Mr. GRIJALVA, and Ms. PRYCE of Ohio.
H.R. 3565: Mr. EMANUEL.
H.R. 3601: Mr. MEEHAN.
H.R. 3760: Ms. VELÁZQUEZ.
H.R. 3858: Mr. KENNEDY of Rhode Island, Mr. SAXTON, Mr. WEINER, and Ms. PRYCE of Ohio.
H.R. 3876: Ms. HERSETH.
H.R. 3933: Mr. KIRK, Mr. ANDREWS, and Mr. ALLEN.
H.R. 3940: Mr. JEFFERSON.
H.R. 3944: Ms. MCKINNEY.
H.R. 4005: Mr. GALLEGLY, Ms. BERKLEY, Mr. SERRANO, Mr. CUMMINGS, and Mr. CARDOZA.
H.R. 4019: Mr. FORBES, Mr. BAKER, and Mr. BOUCHER.
H.R. 4023: Mr. EVANS and Mr. MORAN of Kansas.
H.R. 4030: Mr. GONZALEZ.
H.R. 4033: Mr. FRANK of Massachusetts and Ms. LORETTA SANCHEZ of California.
H.R. 4042: Mr. SESSIONS, Mr. MILLER of Florida, and Mr. MICHAUD.
H.R. 4045: Mr. EVANS.
H.R. 4071: Mr. MILLER of Florida.
H.R. 4091: Mr. REHBERG.
H.R. 4098: Mr. BURTON of Indiana and Mr. BOOZMAN.
H.R. 4129: Mr. MCCOTTER.
H.R. 4156: Mr. LIPINSKI.
H.R. 4229: Mr. WEXLER.
H.R. 4264: Mr. JONES of North Carolina.
H.R. 4272: Mr. FATTAH.
H.R. 4304: Mr. EVANS.
H.R. 4315: Mr. KILDEE.
H.R. 4318: Mrs. CAPITO, Mr. SODREL, Mr. MCCAUL of Texas, Mr. GRAVES, Mr. CAMP of Michigan, and Mr. ROSS.
H.R. 4350: Mr. EVANS.
H.R. 4357: Mr. FITZPATRICK of Pennsylvania.
H.R. 4361: Mr. FATTAH, Mr. GENE GREEN of Texas, and Ms. JACKSON-LEE of Texas.
H.R. 4366: Mrs. MCCARTHY, Mr. ISRAEL, Ms. HARRIS, Mr. FEENEY, and Mr. KNOLLENBERG.
H.R. 4399: Mrs. JO ANN DAVIS of Virginia.
H.R. 4447: Mr. FATTAH.
H.R. 4448: Mr. RANGEL and Mr. KUCINICH.
H.R. 4450: Mrs. BLACKBURN and Mr. INGLIS of South Carolina.
H.R. 4452: Mr. MURPHY, Mr. GEORGE MILLER of California, Mr. MICHAUD, Mr. STARK, Mr. BOSWELL, Mr. RENZI, and Ms. LEE.
H.R. 4472: Mr. REICHERT, Mr. SMITH of Texas, Mr. SESSIONS, Mr. BURTON of Indiana, Mr. BOSWELL, Mr. BAKER, and Mr. SMITH of New Jersey.
H.R. 4507: Mr. OWENS.
H.R. 4535: Mr. FOLEY.
H.R. 4542: Mr. WEINER, Ms. DELAURO, Ms. BALDWIN, Mrs. KELLY, Mr. MCGOVERN, Ms. MATSUI, MR. CARDOZA, Mr. JONES of North Carolina, Ms. SOLIS, Mr. NADLER, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PELOSI, Mr. WEXLER, Mr. STARK, and Mr. DINGELL.
H.R. 4547: Mr. NEY.
H.R. 4550: Mr. BERMAN, Mr. FATTAH, Mr. GERLACH, Mr. MCNULTY, Mr. OBERSTAR, Mr. WU, Mr. TOM DAVIS of Virginia, Mr. FITZPATRICK of Pennsylvania, Mr. MCDERMOTT, Mr. OWENS, and Mr. WAXMAN.
H.R. 4565: Mr. OWENS, Mr. FALEOMAVAEGA, Ms. KILPATRICK of Michigan, Mr. ENGEL, Mr. WYNN, and Mr. BROWN of Ohio.
H.R. 4573: Mr. COSTELLO and Mr. EVANS.
H.R. 4597: Mr. COLE of Oklahoma.
H.R. 4604: Ms. SCHWARTZ of Pennsylvania.
H.R. 4608: Mr. SIMMONS, Mr. MICA, Mr. BOYD, Mr. CASE, Mr. ABERCROMBIE, Mr. GOODE, and Mr. SHAYS.
H.R. 4619: Mr. SERRANO.
H.R. 4622: Mr. OWENS, Mr. PAYNE, and Mr. MCINTYRE.
H.R. 4623: Mrs. MCCARTHY, Mr. GRAVES, and Mr. EVANS.
H.R. 4629: Mr. EVANS.
H.R. 4650: Mr. HERGER.
H.R. 4662: Mr. MCDERMOTT.
H.R. 4663: Mr. MILLER of Florida.
H.R. 4665: Ms. MCCOLLUM of Minnesota.
H.R. 4666: Mr. SHUSTER and Mr. WELDON of Pennsylvania.
H.R. 4668: Mr. ANDREWS.
H.R. 4672: Mr. TERRY.
H.R. 4677: Mr. HERGER.
H.R. 4681: Mr. DOOLITTLE, Mr. MCNULTY, Mr. REYNOLDS, Mr. WILSON of South Carolina, Mr. SHAYS, Mr. GERLACH, Mr. SCOTT of Georgia, Mr. TERRY, Mr. KING of Iowa, Mr. NORWOOD, Mrs. MILLER of Michigan, Mr. MCHENRY, Mr. CUELLAR, Mr. PRICE of Georgia, Mr. HASTINGS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. CULBERSON.
H.R. 4682: Mr. NEAL of Massachusetts.
H.R. 4683: Mr. GRIJALVA.
H.R. 4685: Mr. STRICKLAND, Mr. MCDERMOTT, Mr. STUPAK, Mr. JEFFERSON, Mr. FARR, Mr. DEFAZIO, Ms. DELAURO, Mr. WYNN, Mr. LANGEVIN, Mr. MCGOVERN, and Mr. GRIJALVA.
H.R. 4695: Mr. DAVIS of Alabama, Mrs. CAPPS, Ms. KAPTUR, Mr. DOYLE, Mr. CAPUANO, Mr. STRICKLAND, Mr. BROWN of Ohio, Mr. OWENS, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Mr. COSTELLO, and Mr. EVANS.
H.R. 4697: Mr. MCNULTY and Mr. PASTOR.
H.R. 4704: Mr. WOLF, Mr. OWENS, Mr. MCDERMOTT, and Mr. VAN HOLLEN.
H.J. Res. 67: Mr. GOODE, Mr. ALEXANDER, and Mr. ROYCE.
H.J. Res. 71: Mr. MILLER of Florida, Mr. SENSENBRENNER, and Mr. SCHWARZ of Michigan.
H. Con. Res. 42: Mr. HALL and Mr. RAHALL.
H. Con. Res. 197: Ms. BALDWIN, Mr. LYNCH, Mr. JEFFERSON, Mr. MEEKS of New York, and Ms. HOOLEY.
H. Con. Res. 235: Mr. WYNN and Mr. PITTS.
H. Con. Res. 323: Ms. LORETTA SANCHEZ of California and Mr. MILLER of Florida.
H. Res. 85: Mr. SHIMKUS and Mr. BISHOP of Georgia.
H. Res. 222: Mr. ROTHMAN and Mr. PASTOR.
H. Res. 477: Mr. SABO.
H. Res. 498: Mr. OSBORNE, Mr. CALVERT, Ms. DELAURO, and Mr. NEAL of Massachusetts.
H. Res. 518: Mr. WAMP, Mr. ADERHOLT, Mr. VAN HOLLEN, and Mr. KILDEE.
H. Res. 521: Mr. SCOTT of Virginia and Mrs. CAPPS.
H. Res. 556: Mrs. BIGGERT and Mr. SMITH of Washington.
H. Res. 566: Mr. FORTENBERRY, Mr. BISHOP of Georgia, Mr. DAVIS of Tennessee, and Mr. MICHAUD.
H. Res. 573: Mr. EVANS.
H. Res. 593: Mr. DELAHUNT and Mr. PAYNE.
H. Res. 600: Mrs. MALONEY, Ms. BERKLEY, Mrs. LOWEY, and Mrs. MCCARTHY.
H. Res. 608: Ms. ROS-LEHTINEN, Mr. SOUDER, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. BARTLETT of Maryland, Mr. ROGERS of Michigan, Mr. ANDREWS, Mr. TANCREDO, Mr. CHABOT, Mr. MCNULTY, and Ms. JACKSON-LEE of Texas.
H. Res. 628: Mr. EVANS.
H. Res. 635: Mr. HONDA.
H. Res. 636: Mr. HONDA.
H. Res. 637: Mr. HONDA.
H. Res. 642: Mr. MCGOVERN, Mr. BERMAN, Mr. PAYNE, Mr. ACKERMAN, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. KUCINICH, Mr. STARK, Mr. HONDA, Mr. GRIJALVA, Mr. DEFAZIO, Mr. EVANS, and Mr. ENGEL.
H. Res. 657: Mr. NUSSLE, Ms. ROYBAL-ALLARD, Ms. MOORE of Wisconsin, Mr. TIBERI, Mr. AKIN, and Mr. OSBORNE.
H. Res. 660: Mr. FORD, Mrs. JONES of Ohio, Mr. OWENS, Mr. RUSH, Mr. MARSHALL, Ms. BORDALLO, and Mrs. DAVIS of California.
H. Res. 665: Mrs. CAPITO.
H. Res. 670: Mr. PETERSON of Pennsylvania, Mr. SHUSTER, Mr. DOYLE, and Mr. OXLEY.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, WEDNESDAY, FEBRUARY 8, 2006 No. 14

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Be exalted, God of peace and love above the heavens. Let Your glory fill the Earth, for You are holy.

Thank You for the gift of today, for borrowed heartbeats. Give us pure hearts, so we may see you clearly. With the eyes of faith, empower us to accomplish Your purposes.

Make us bold in our striving to help the lost, the lonely, and the least. Inspire our Senators as they labor for liberty. Keep their feet on the right path. Give them the courage to refuse to deviate from integrity and the determination to do Your will.

Remind us that You will never leave us even when we walk through the valley of the shadow of death. Take from us the worries which distract us and give us more trust.

We pray in Your holy Name.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. CHAMBLISS. Mr. President, we will begin today's session with a period of morning business for up to 1 hour. At the conclusion of morning business, we will begin consideration of S. 852, the asbestos legislation. Last night, we were able to invoke cloture on the motion to proceed to the asbestos bill. The order last night allows us to proceed to the bill for debate only. Even though amendments will not be in order today, the majority leader hopes we will use the time today constructively and Members will come to the floor to talk on the bill or their submitted amendments.

We expect to move this bill forward this week by making progress on amendments. There is plenty of time this week to consider amendments and vote on various proposals. Having said that, a number of colleagues have asked about Friday. The leader reminds everybody that Friday will be a working day and Senators can expect rollcall votes.

In addition to this bill, we have other issues to consider, including executive nominations that have yet to clear the calendar.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

ASBESTOS VICTIMS

Mr. REID. Mr. President, as of this morning, 2,262 American soldiers have died in Iraq and 17,000, 18,000 have been injured, wounded; over 16,000 have been wounded so seriously that they could not return to battle. Each of these deaths and every one of these individuals who have been wounded, many of whom have been maimed, is a national tragedy. Yesterday, I was speaking to one of my friends with whom I came to Washington in 1982. We keep in touch with each other. He now lives in Santa Rosa, CA. He said, ''Harry, you know, we just lost our sixth soldier in this little community.''

I have attended funerals of Nevada servicemen who have been killed. I want to make sure we do everything we can so that fewer of our loyal, patriotic men and women are not killed in Iraq. I want to make sure they have all the equipment—anything they need.

As we speak, there are other tragedies in America, one of which deals with the legislation that is on the floor today. This year, 2006, 10,000 people will die from asbestos-related diseases. That is the case every year. These people did nothing wrong. They were simply exposed to a substance that corporate America knew would make them sick and cause them to die. But because of corporate America's willingness to exchange the lives of these men and women, they went ahead and did this. People were exposed to this at work, at home by hugging their father or husband when he came home from work, or in a schoolyard where asbestos equipment was, in their neighborhoods, in trucks hauling this substance all over America, and people got sick. They die painful, slow, horrible deaths. So there is a debate going on today dealing with asbestos.

This is not a fair bill. Look, I believe we need legislation to compensate the victims, but this is not it. I have said—and I don't have the experience in the legislature of the President pro tempore, but I have been in legislative bodies a long time; more than 30 years I have served in legislatures. This is the worst piece of legislation I have ever seen in the 30-plus years I have been serving in legislatures.

I don't doubt how hard Senator SPECTER has worked and how badly he wants this done, but that doesn't make the legislation good; it is bad. Perhaps because he has tried so hard, he doesn't see the trees for the forest, as they say.

To show the strength of corporate America, 13 companies that will benefit greatly from this legislation have paid lobbyists, within a 2-year period of time, $144.5 million. That should send a message to everyone. This legislation is not good for asbestos victims. It

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

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strips victims of their legal right to obtain compensation in the court system and puts them in an administrative trust fund that is underfunded and doomed to fail. That is why all the leading asbestos victims organizations oppose this bill.

Here is a letter from the Asbestos Victims Group United, dated February 1, 2006, written to me and to Senator FRIST. I will read parts of it:

We represent a diverse group of national asbestos victims' groups. We are writing this letter as a matter of urgency to ask Members to vote against S. 852. This legislation is not primarily intended, nor is it good, for victims. In fact, in its current form, the legislation would make recovery of compensation dramatically worse for victims. It would deny whole classes of cancer-ridden victims, who, today, are able to recover compensation for their injuries, any ability to be compensated.

. . . We oppose this legislation. We do not want this proposed government policy forced upon us. We believe the program will fail to treat victims fairly, while benefiting the very companies that caused the problem. We have said it before and now we say it louder.

. . . We have said it before and now we say it louder: We believe it would be wholly irresponsible for Congress to proceed with consideration and passage of this legislation. Please do not allow the families who already have lost so much to be victimized once again.

The first signatory on this letter is Susan Vento, the wife of a man I served in Congress with, who never worked around asbestos—or so he thought. But he did work around it as a young man during a summer job while in school, and he got this disease. He was a big, strong man who worked out in the gym every day, and he died within a year, a slow, agonizing death. So the first signatory on this letter is Susan Vento, Chairperson, Committee to Protect Mesothelioma Victims.

I ask unanimous consent that this letter be printed in the RECORD.

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

ASBESTOS VICTIMS GROUPS UNITED,
February 1, 2006.

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

DEAR LEADERS FRIST AND REID: We represent a diverse group of national asbestos victims' groups. We are writing this letter as a matter of urgency to ask Members to vote against S. 852. This legislation is not primarily intended, nor is it good, for victims. In fact, in its current form, the legislation would make recovery of compensation dramatically worse for victims. It would deny whole classes of cancer-ridden victims, who, today, are able to recover compensation for their injuries, any ability to be compensated.

If we have not made our position clear in our previous letters, we would like to make it very clear here: We oppose this legislation. We do not want this proposed government policy forced upon us. We believe the program will fail to treat victims fairly, while benefiting the very companies that caused the problem. We may not have the power of these corporations, but we have a voice, and we intend to use our voice to its maximum volume to defeat this bill.

And, if it passes, we plan to use our voice to inform the American people in every state and every district of this tragic fate of justice and to urge every victim to demand their right of compensation from the federal government.

We have listed below the specific substantive reasons we oppose S. 852:

It removes the fundamental right to a trial by jury and replaces it with an untried and unsound entitlement program that, we believe, is set to fail on day one.

Victims will face long delays in receiving compensation while the fund is set up and the bill is challenged on constitutional grounds. Many victims, especially those with mesothelioma, will die during that time period.

$140 billion is too low and has been, at best, deemed a questionable minimum by the CBO. For the victim, this means the fund could leave them empty-handed. (For the taxpayer, it could mean excessive Federal borrowing).

Thousands of victims will fail to qualify because of newer more restrictive legal and medical standards—this is not a ''no-fault'' system. Despite not being allowed into the system, victims will likely be locked out of the trial system.

The bill excludes thousands who worked at, or lived near, hundreds of addresses around the country where Libby vermiculite was shipped.

The bill is structured to make it nearly impossible for victims who were exposed to asbestos in their own homes, and who did not live with an asbestos worker, to prove their exposure and eligibility for compensation. Assurances that these people will be taken care of via the ''medical exceptions panel'' are false promises given thousands would fall into this category and the fund will not be able to handle that many cases.

Trust funds have a dismal history: most have failed, all have been bogged down at the start-up and all have underestimated the amount of claims by large margins, as was shown in the recent GAO Report: Federal Compensation Programs.

Future victims of asbestos exposure, notably those exposed during 9/11 and Hurricanes Rita and Katrina, will receive no compensation and have no access to the court system.

Many asbestos victims with lung cancer, particularly smokers, are excluded despite the medical consensus that people with heavy asbestos exposure are at a substantially increased risk of cancer.

There is no automatic sunset provision—if the fund is not paying claims, victims must be able to gain access back into the courts without relying on the administrator's discretion.

The bill does not account for those who may have been exposed to naturally occurring asbestos.

Before allowing this legislation to move to the floor, please consider these questions:

Will the proposed funding be sufficient to compensate all victims?

How many victims will be left out from being compensated for asbestos injuries?

How much will the fund be forced to borrow from the federal government?

How many companies will contribute and how much will each be assessed?

Can the bill, if enacted, withstand the numerous legal and constitutional challenges already threatened by a wide range of parties?

We have said it before and now we say it louder: We believe it would be wholly irresponsible for Congress to proceed with consideration and passage of this legislation. Please do not allow the families who already have lost so much to be victimized once again.

Sincerely,

Susan Vento, Chairperson, Committee to Protect Mesothelioma Victims, Washington, DC.

Linda Reinstein, Co-Founder and Executive Director, Asbestos Disease Awareness Organization, Redondo Beach, CA.

Michael Bowker, Founder and Executive Director, Asbestos Victims Organization; Author, Fatal Deception: The Untold Story of Asbestos: Why It Is Still Legal and Why It Is Still Killing Us, Placerville, CA.

Jim Fite, National Secretary, White Lung Association, Baltimore, MD.

Barbara Zeluck, Secretary, White Lung Asbestos Information Center, New York, NY.

Mr. REID. Mr. President, I had placed in the RECORD yesterday one of the petitions. We have 150,000 signatures on that—150,000 signatures here in the Capitol in boxes. We debate this bill. There is a lot of technical talk about startups, sunsets, and payment tiers. But let's not lose sight of what this debate is about. It is about whether the Senate will keep faith with the victims of a disease which they had no opportunity to avoid.

The problem in America today, as it relates to what is going on on the Senate floor, is not a crisis created by the legal system; it is a crisis created by the people who expose these people to asbestos. If there were ever a cry for fairness and equity and justice, it is this. We cannot let corporate America do what they are trying to do to these innocent men and women.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with the first half of time under the control of the majority leader or his designee, and the second half of the time controlled by the Democratic leader or his designee.

The Senator from Georgia is recognized.

NSA TERRORIST SURVEILLANCE PROGRAM

Mr. CHAMBLISS. Mr. President, several weeks ago, after a highly classified program was leaked to the media, the President described certain activities of the National Security Agency that he authorized in the weeks following our Nation coming under direct attack on our own soil by Osama bin Laden's al-Qaida terrorists.

As described by the President, the Vice President, the Attorney General, and experts from the Department of Justice and the intelligence community, the terrorist surveillance program at NSA targets very specific

international communications of suspected and known al-Qaida operatives in a foreign country who are communicating with associates around the world and, occasionally, in a limited way, with individuals inside the United States. The purpose of the program is to collect foreign intelligence in an effort to identify and prevent another devastating attack on our homeland.

As we have learned, the terrorist surveillance program is designed with the goal of preventing terrorist attacks in the United States and protecting the lives of Americans. Given the imperative to reliably and immediately detect and disrupt the plots of international terrorists who are intent on killing Americans, the President is acting well within his constitutional authorities.

The Foreign Intelligence Surveillance Act has been, and continues to be, a valuable tool in protecting our national security interests in many cases. However, the world changed on September 11, 2001, demonstrating the importance that the President have the power and authority to protect the American people from future attacks of terrorism. Both the Constitution and the Congress grant the President that authority. FISA lacks the speed and agility necessary to fight the war on terror, and its bureaucratic requirements prevent the ''hot pursuit'' of international communications necessary to prevent attacks.

As vitally important as it is to protect American lives, it is also important that Americans' rights are protected. That is exactly why the administration has put in place a system of responsible measures to ensure our civil liberties are also protected. In doing so, congressional leaders from both parties have been kept informed about the program from the start. Furthermore, this program is reauthorized approximately every 45 days to ensure it is still necessary, and that it is being used properly, and the activities conducted within this program are thoroughly reviewed by lawyers within the National Security Agency and the Department of Justice to ensure the program is only collecting the international communications of suspected terrorists here in the United States and elsewhere.

Their oversight includes assuring an aggressive program is in place to assist the highly trained intelligence professionals at NSA verify that all activities are consistent with minimization procedures that weed out the identities of ordinary Americans and preserve civil liberties.

I note that FISA, which has been the alternative that the critics of this program have looked to as the real program that should be used, requires a reauthorization every 90 days. Here the President and the administration have taken an additional precaution to protect the privacy rights of Americans by reauthorizing this program approximately every 45 days.

On September 11, 2001, terrorists operating covertly inside the United States, and in contact with al-Qaida members overseas, perpetrated the worst attack on domestic soil in American history. Osama bin Laden recently reiterated publicly al-Qaida's intention to attack us again with operatives hiding within our borders.

Congress identified al-Qaida as an enemy of this country by passing the authorization for the use of force, authorizing the President to use all necessary and appropriate force to protect our homeland.

When the enemy is behind your lines, you must use every lawful tool at your disposal to find and stop them. That is why the President has authorized the terrorist surveillance program.

As the 9/11 Commission pointed out, and as also the joint House-Senate Intelligence Committee investigation, as well as the report from the Subcommittee on Terrorism and Homeland Security in the House, which was filed in July of 2002, reported, two of the terrorist hijackers who flew a jet into the Pentagon, Nawaf al Hamzi and Khalid al Mihdhar, were communicating with members of al-Qaida overseas while they were inside the United States preparing for the deadly attack of September 11.

Regrettably, we did not know this until it was too late. GEN Mike Hayden, the former Director of the National Security Agency and the Deputy Director of National Intelligence, indicated that had this program been in place before 9/11, these terrorists could have been detected and identified.

Unfortunately, as a result of the public disclosure of this highly classified program, our enemies have learned information they should not have. Our national security has been damaged and Americans have been put at greater risk.

In our recent Intelligence Committee open hearing, CIA Director Porter Goss commented that as a consequence of leaks in general, damage has been very severe to our capabilities to carry out our mission. General Hayden observed that our intelligence capabilities are not immune to leaks in the public domain.

It is clear that this is an important program necessary to address the previous flaws in our early warning system that allowed at least two of the 9/11 murderers to live among us while they plotted our destruction. This vital program makes it more likely that terrorists will be identified and located in time to prevent another disaster. In fact, that may have already happened. It is a program that is conducted within the President's constitutional authority and is subject to review and oversight.

It is also clear that continued leaks over this program are degrading our ability to continue to protect the lives of Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Kentucky is recognized.

DEFENSE OF NSA TERRORIST SURVEILLANCE PROGRAM

Mr. MCCONNELL. Mr. President, today America is at war. We were awakened to this war on September 11, 2001, even though our enemies had been waging it against us for a number of years. The enemy, of course, is al-Qaida, a treacherous terrorist group whose goal is simply to kill as many Americans as possible and to strike such fear into civilized nations that freedom itself is forced into retreat.

To combat this deadly threat, the President has rightly—rightly—asserted his constitutional authority to use every tool at his disposal to fight the war on terror. One of those tools is the NSA's terrorist surveillance program.

Yet despite the grave terrorist threat, I fear too many have forgotten that we are, indeed, a nation at war, and so have forgotten the vital need for the terrorist surveillance program. Perhaps it is because we have not seen another attack on American soil since September 11, despite, I might add, the terrorists' best efforts.

But there can be no doubt that al-Qaida terrorists are still plotting brutal attacks against this country and other freedom-loving countries. For proof of this, look no further than a recent audiotape made by Osama bin Laden himself. In a tape aired on Al-Jazeera television last month, bin Laden said this:

> The mujahadeen, with God's grace, have managed repeatedly to penetrate all security measures adopted by the unjust allied countries. The proof of that is the explosions you have seen in the capitals of the European nations who are in this aggressive coalition.

He went on:

> Similar operations happening in America. . . . are under preparation, and you will see them in your homes the minute they are through.

A not-so-veiled threat for another attack here at home. It couldn't be any clearer than that: ''Similar operations,'' so Osama bin Laden said, ''are under preparation, and you will see them in your homes the minute they are through.''

At this very moment, al-Qaida operatives in America, right here at home—madmen such as Mohamed Atta—may be plotting attacks. What kinds of attacks could they be hatching? Here is one example.

In 2003, authorities apprehended a man named Iyman Faris for assisting al-Qaida in plotting and planning a terrorist attack. Faris is an American citizen. He lived in Ohio before being taken into Federal custody.

In 2002, Faris traveled to Pakistan where he met with known members of al-Qaida. The terrorists told him they were planning attacks in New York and here in Washington, and asked if he would help.

So Faris elected to return to America, visit New York City, and reconnoiter the Brooklyn Bridge with the intent of finding the best means to destroy it. He even went so far as to research how to sever the cables supporting the bridge. Approximately 135,000 vehicles cross the Brooklyn Bridge every day.

According to the Washington Post, Government officials have privately credited Faris's arrest to the President's terrorist surveillance program. Faris has since pleaded guilty to having plotted to destroy the Brooklyn Bridge, a direct result of the terrorism surveillance program.

This time the terrorists did not succeed, but as we all know, while our goal is to stop them every time, their goal is to succeed just once.

Let me repeat that. We have to stop them every time. They only have to succeed once.

To uncover and disrupt attacks such as this, the President must aggressively use every tool at his disposal to exercise his authority under the Constitution to protect America. To do any less would be a dereliction of duty.

A major part of the war on terror is the terrorist surveillance program. This very narrowly tailored program intercepts international communications—not domestic, even though that word has been used a lot in error—international communications by members of al-Qaida or other suspected terrorist groups outside America into this country, or by those terrorists' allies in this country out to terrorists in foreign lands. So the universe is international communications. Public mischaracterizations have portrayed this terrorist surveillance program as something ominous, as if the Government is listening in to domestic phone calls made by average, law-abiding Americans. That is flat out wrong, and those mischaracterizations ought to cease.

If someone is calling from Tora Bora, they are not calling to order a pizza. Let me repeat: If someone is calling from Tora Bora, they are not calling to order a pizza.

The NSA is only interested in al-Qaida sleeper agents in the United States, men such as Iyman Faris, the Brooklyn Bridge bomber, who call or receive calls from known agents of al-Qaida or affiliated terrorist groups abroad with instructions for their next deadly mission.

The NSA terrorist surveillance program is not only entirely necessary, it is entirely lawful. The President enjoys broad authority under the Constitution to protect all Americans. And the Foreign Intelligence Surveillance Court of Review, the court charged with reviewing the legality of measures such as the terrorism surveillance program, has confirmed that the President has broad powers with respect to foreign intelligence gathering.

The court wrote in 2002 that, with respect to conducting searches without warrants in order to obtain foreign intelligence information:

> We take for granted that the President does have that authority, and, assuming that is so, FISA could not encroach upon the President's constitutional power.

That could not be more clear. That is the Foreign Intelligence Surveillance Court of Review saying:

> We take for granted that the President does have that authority, and, assuming that is so, FISA could not encroach upon the President's constitutional power.

If that is not enough legal authority, here is more. Congress delegated broad war powers to the President when it authorized the war on terror in 2001. The Senate passed that authorization 98 to 0 with the support of many of the same Democrats who vehemently speak against the program today.

That authorization empowered the President to ''use all necessary and appropriate force'' to fight terror. It did not say ''some force.'' It did not say ''all force except when it comes to international communications intercepts.'' It did not even say ''all force now, less later, depending on the political landscape.'' It said ''all force,'' and ''all force'' means ''all force.''

However, opponents of the terrorism surveillance program apparently do not want to allow the President to use all the force at his disposal to fight terror. Howard Dean, the chairman of the Democratic Party, recently expressed his strong disapproval, and this is how he put it:

> President Bush's secret program to spy on the American people reminds Americans of the abuse of power during the days of President Nixon and Vice President Agnew.

That is Howard Dean's appraisal of the terrorism surveillance program. That is from the leader of the Democratic Party. Obviously, he completely misses the point.

The terrorist surveillance program intercepts calls between known al-Qaida terrorists and their affiliates overseas and the al-Qaida terrorist accomplices here in America. As the President has said, if you are calling al-Qaida, we want to know why.

The only conclusion one can draw from statements such as Governor Dean's—statements that explicitly compare programs that stop terrorists who want to destroy the Brooklyn Bridge to illegal activity from a generation ago—is that he opposes the program and wants it stopped.

We cannot fight the war on terror with one hand tied behind our backs. That is exactly the wrong direction we need to take in the war on terror. After more than 4 years since the devastating attack of September 11, this is still a hard-fought battle. Al-Qaida's leader, Osama bin Laden himself, has bragged—has bragged—about impending attacks.

If anyone doubts the death-crazed tenacity of our enemies, let them hear these words, also from the bin Laden audiotape I quoted from earlier. Here is what he had to say further:

> We will seek revenge all our lives. The nights and days will not pass without us taking vengeance, like on September 11, God permitting. Your minds will be troubled and your lives embittered.

Clearly our enemy is cunning and our enemy is cruel. We must be aggressive about using every tool at our disposal to fight the war on terror.

I applaud the President for doing just that, and for remaining unbowed in the face of loud criticism from a few as he continues to carry out his duty to protect America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

THE PRESIDENT'S INTELLIGENCE PROGRAM

Mr. ALLARD. Mr. President, I want to take just a moment to say a few words in support of the President's intelligence program and associate myself with the comments that have been made both by the Senator from Georgia as well as the Senator from Kentucky. They focused a lot on the legal arguments, but I thought perhaps I would approach this from what is best for the security of this country and how the American people are reacting to the President's intelligence program. I will have to base my observations on town meetings I have recently held in Colorado. I had several town meetings. I think they help me better understand the issues of importance to my constituents, and I think my constituents in Colorado are a cross-section, pretty much, of the United States.

Interestingly enough, the top issues facing most Coloradans at those town meetings had to do with the war in Iraq, whether we should be in the conflict or not; the Federal deficit—we had a lot of discussion about getting the debt in order, getting the deficit in order—and obviously, because we are a cold weather State, there was a lot of talk about the cost of energy and our continued reliance on foreign energy resources.

The National Security Agency surveillance program was not a top issue. Indeed, it was hardly mentioned. This tells me a couple of things. First, it tells me that Coloradans are not particularly alarmed by the use of those tools that seem to be used by the President which are creating so much objection from the other side of the aisle. I think most Coloradans view this as just a commonsense thing. They know it is important to national security and we have to conduct such a program. They understand that we need to protect this country. I think they understand this Nation is at war. It is at war with terrorism. And I think they are beginning to understand, as I am beginning to understand, that this didn't start with 9/11, it started in the 1990s—maybe even as far back as 1979 when we began to have terrorist attacks on embassies and ships and

planes and various symbols of prosperity in the Western World. Unfortunately, it took a devastating attack such as 9/11 for us to really begin to realize that this war is a war to the finish.

In the 9/11 attack there were more people killed than at Pearl Harbor. This was a serious assault on America. It was an attack on America. We began to realize that al-Qaida is not interested in talking about peace. As a group of extremists, they are not interested in conducting diplomatic relations. They don't want to compromise. They are fanatics who only want to kill, maim, and destroy.

Al-Qaida is a very sophisticated enemy that operates in dozens of countries, including the United States. They have global reach, as seen by their bombings in London, Madrid, and Jordan. This organization works clandestinely, in the shadows, and is very hard to track much less to stop. Most Americans realize that. We have been fortunate that we have not been attacked again since September 11. We all know those attacks could come at any time, but that does not make these attacks inevitable. These terrorists can be stopped. We have the tools at our disposal that we can and must use to defeat al-Qaida. The President's use of the National Security Agency program has to be one of those.

Let's be clear. The President promised after September 11 that he would direct every resource at his command—whether it is diplomatic, intelligence, or military tools—to disrupt and defeat the global network of terror. Americans all over stood up and praised him for stepping forward. The media praised him for stepping forward because we all realized this was unprecedented in American history, and it could not be ignored. It had to be addressed immediately.

The terrorist surveillance program is a very important tool in that effort. The program is narrowly focused. It only targets communications when one party is outside the United States and the reasonable information suggests that at least one party is a member of al-Qaida or an affiliated terrorist group. This program is not being used to listen in on communications of innocent Americans. Those people who want to put a slant against this program, they call it a domestic program. It is not a domestic spy program. It is an extension of our information gathering outside the borders of the United States. It just so happens that we have people in the United States who have aligned themselves with those terrorist groups to harm American citizens.

I think most Americans understand that if they want to have a secure home, if they want to have security for their families, these individuals have to be followed and we have to do what we can to prevent these catastrophic, terrorist-driven events from occurring.

The President takes full responsibility for moving forward. He even mentioned it in his State of the Union Address. But he has done it in a responsible way. He has followed the reauthorization process every 45 days to ensure that innocent Americans are not being targeted and that the program is working successfully. Republican and Democratic leaders of the Congress have been briefed on this program more than a dozen times since 2001, and no Member of Congress, Republican or Democrat, expressed any concern about this program until it was reported publicly in the press last December.

Here is a problem that this brings up: so many times reports about these intelligence programs, when they come out in the press, are wrong. I have served on the Intelligence Committee. I have taken the opportunity to be briefed on these intelligence programs. But most of what shows up in the press out there is wrong. Those of us who really know the story and would respond cannot respond because in the process of response you may actually validate the fact that it is an intelligence program—which you don't want al-Qaida or the terrorists to know. And the other thing is, if you respond to those accusations that are made in those news articles that are wrong, you have to bring out the facts which just fully discloses what our intelligence program is. With full disclosure, then you tip off the terrorists as to what we are up to.

I think it has been reported time and time again in the testimony before our committees that it is hurting our intelligence program. We are not gathering the information that we were gathering before because, in effect, the terrorists have simply shut down because they have realized what has happened and what our capabilities are in gathering this intelligence. At times, with disclosure of some of these intelligence programs, we have actually had Americans who are in the process of collecting information die as a result—perhaps individuals overseas who are acting on behalf of the United States.

We need to protect this tool because we all know that the enemy listens. They have not stopped their intelligence gathering and would love nothing better than for us to begin a discussion about the operational aspects of these sensitive programs. Compounding this difficulty is the fact that many of the press reports, according to Attorney General Gonzales, have in almost every case—and he confirms what I just said—been misinformed, inaccurate, or just outright wrong.

I support the President. I believe it is a responsible tool to use in the war against terrorism. If we do not use it, we are going to lose our ability to secure the homes of Americans. I think most Americans understand that. We must use these tools provided by law to combat our continued threat. We cannot sit and hope that terrorists will not attack us again.

We should not play into the hands of the terrorists. We now see the danger in front of us. We see what must be done. We simply must go out and do it and do it in a responsible way. The President's intelligence-gathering program is effective and it is responsible to support him if we want to have security for our families and our homes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent I may have 15 minutes to speak as in morning business.

The PRESIDING OFFICER. The Senator has that right, so he may proceed without objection.

EXPANDING EDUCATIONAL OPPORTUNITIES

Mr. AKAKA. Mr. President, the time has come to put our money into action and expand educational opportunities in science, math, and foreign languages.

I began my professional career as an educator. Fighting to ensure a prosperous future for our country and for Hawaii's children is why I am in Congress today. I hope this year we will see real progress by the enactment of legislation to make a real difference, for both the short- and long-term, in science, math, and foreign language education.

I applaud President Bush's call in his State of the Union Address for increasing the number of teachers in math and science and making college-level courses more available to low income high school students. It is unfortunate that the budget reconciliation bill recently passed by the House cut $12 billion from the Federal student loan program, while the tax reconciliation bill we considered last week provides $70 billion in tax cuts for the wealthy. I know I am not alone when I say supporting college level courses in high school is no substitute for going to college. We need both and more of each.

Robbing Peter to pay Paul robs our youth of their future.

We need to make a sustained commitment to addressing critical educational issues in science, math, and foreign languages. The President is correct that America's ability to compete in global markets, and to defend ourselves against foreign threats, depend on our ability to educate future generations.

Four years ago, Senator DURBIN and I joined forces with a bipartisan group of Senators to introduce legislation to strengthen national security by encouraging the development and expansion of programs to meet critical needs in science, math, and foreign languages at the elementary, secondary, and higher education levels. I also introduced legislation to strengthen education opportunities for Federal employees in these critical areas, and improve the government's recruitment and retention of individuals possessing these skills. Last year, Senators COCHRAN, DODD, and I introduced legislation

to develop a national foreign language strategy.

Some of our proposals have become law. Others were passed by the Senate, but the House refused to consider them. The Intelligence Reform Act of 2004 established two things promoted in our legislation. First, a rotation program to help mid-level Federal employees in the intelligence community improve their skills; and second, a scholarship program for individuals who possess critical skills, especially those in science, math, and foreign language, in exchange for service with the Federal Government.

Still, America should rightly ask: why has it been so hard to make even these modest improvements? Especially when there have been numerous national studies and commissions that conclude we need to do better at educating Americans.

In 2001, the Hart-Rudman Commission said that America needs a workforce skilled in science, math, computer science, and engineering. They said that the failure to foster these skills was jeopardizing America's position as a global leader. The commission also found that the maintenance of American power in the world depends upon the quality of U.S. Government personnel. It requires employees with more expertise in more countries, regions, and issues. This includes a commitment to language education.

Legislation that I introduced along with my colleagues, some of which dates back to 2001, contains vital components that should be considered as we debate the President's proposed education initiatives.

Some of these programs include: Funding the Federal Government's student loan repayment program for positions critical to national security and for staff with science and foreign language skills; providing financial incentives, including subsidized loans, for students earning degrees in science, mathematics, engineering, or a foreign language; establishing grant programs for local educational agencies that engage in public-private partnerships to improve science and math education; awarding fellowships to students who agree to work for the Federal Government and to Federal workers who wish to develop skills in critical national security fields; encouraging early foreign language study in our elementary and secondary schools by establishing foreign language partnerships for teacher training; promoting innovative foreign language programs through grants to higher education institutions; and establishing a National Foreign Language Coordination Council and language director to develop and oversee the implementation of a national language strategy that reflects input from all sectors of society.

The intent of these programs is to support a revitalized, re-energized educational system in these critical areas from elementary through graduate school and improve the skills of our current labor force.

Some of the programs would enhance certain skills of our Nation's teachers at all levels while providing them with the tools they need to sustain the development of our Nation's youth.

For example, one program would develop foreign language partnerships between local schools and higher education foreign language departments to enhance teacher training and develop appropriate foreign language curricula.

If we want to ensure America's future competitiveness in global markets, we need to engage America's industry in assisting our youth to develop the skills industry needs to compete.

Another program proposed in our legislation establishes public-private partnerships to encourage the donation of scientific laboratory equipment, provide internship and mentoring opportunities, and to award scholarship funds for students in critical areas.

To survive in a diverse world, Americans need to harness their natural diversity and expand linkages to their larger community. Education must be seen as a community effort.

We must think more broadly when it comes to foreign languages. The program that Senator DURBIN and I envisioned includes immersion programs where students take a science or technology related class in a non-English speaking country, or a cultural awareness program in which foreign language students study the science and technology issues of that country. It is important to understand what other countries are doing in science and technology before foreign innovations surpass our own.

I am glad that President Bush has recognized that action must be taken to improve education in these critical areas by calling for increasing the ranks of advanced placement and international baccalaureate teachers and expanding access to AP and IB classes. I also thank him for finally taking steps to strengthen foreign language education in the U.S. with the National Security Language Initiative.

However, real commitments need to be made.

If we do not see education as a continual process for both the student and the teacher, a process designed to engage younger and older generations alike, then we will have created a product of only limited duration—a band-aid for our intellectual security.

We need to think beyond high school and college level work. We need to engage all levels of schooling and, beyond that, we need to enhance our current workforce. We cannot afford to neglect today's workforce if we want to be successful building our future.

I yield the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I understand there is 12 minutes remaining on our side in morning business and then we will go to the bill itself.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I yield 12 minutes, and then I ask for recognition because I intend to speak on the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2005

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

The assistant legislative clerk read as follows:

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

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with amendments.

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fairness in Asbestos Injury Resolution Act of 2005'' or the ''FAIR Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—Office of Asbestos Disease Compensation

Sec. 101. Establishment of Office of Asbestos Disease Compensation.
Sec. 102. Advisory Committee on Asbestos Disease Compensation.
Sec. 103. Medical Advisory Committee.
Sec. 104. Claimant assistance.
Sec. 105. Physicians Panels.
Sec. 106. Program startup.
Sec. 107. Authority of the Administrator.

Subtitle B—Asbestos Disease Compensation Procedures

Sec. 111. Essential elements of eligible claim.
Sec. 112. General rule concerning no-fault compensation.
Sec. 113. Filing of claims.
Sec. 114. Eligibility determinations and claim awards.
Sec. 115. Medical evidence auditing procedures.

Subtitle C—Medical Criteria

Sec. 121. Medical criteria requirements.

Subtitle D—Awards
Sec. 131. Amount.
Sec. 132. Medical monitoring.
Sec. 133. Payment.
[Sec. 134. Reduction in benefit payments for collateral sources.]
Sec. 134. Setoffs for collateral source compensation and prior awards.
Sec. 135. Certain claims not affected by payment of awards.
TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND
Subtitle A—Asbestos Defendants Funding Allocation
Sec. 201. Definitions.
Sec. 202. Authority and tiers.
Sec. 203. Subtiers.
Sec. 204. Assessment administration.
Sec. 205. Stepdowns and funding holidays.
Sec. 206. Accounting treatment.
Subtitle B—Asbestos Insurers Commission
Sec. 210. Definition.
Sec. 211. Establishment of Asbestos Insurers Commission.
Sec. 212. Duties of Asbestos Insurers Commission.
Sec. 213. Powers of Asbestos Insurers Commission.
Sec. 214. Personnel matters.
Sec. 215. Termination of Asbestos Insurers Commission.
Sec. 216. Expenses and costs of Commission.
Subtitle C—Asbestos Injury Claims Resolution Fund
Sec. 221. Establishment of Asbestos Injury Claims Resolution Fund.
Sec. 222. Management of the Fund.
Sec. 223. Enforcement of payment obligations.
Sec. 224. Interest on underpayment or nonpayment.
Sec. 225. Education, consultation, screening, and monitoring.
Sec. 226. National Mesothelioma Research and Treatment Program.
TITLE III—JUDICIAL REVIEW
Sec. 301. Judicial review of rules and regulations.
Sec. 302. Judicial review of award decisions.
Sec. 303. Judicial review of participants' assessments.
Sec. 304. Other judicial challenges.
Sec. 305. Stays, exclusivity, and constitutional review.
TITLE IV—MISCELLANEOUS PROVISIONS
Sec. 401. False information.
Sec. 402. Effect on bankruptcy laws.
Sec. 403. Effect on other laws and existing claims.
Sec. 404. Effect on insurance and reinsurance contracts.
Sec. 405. Annual report of the Administrator and sunset of the Act.
Sec. 406. Rules of construction relating to liability of the United States Government.
Sec. 407. Rules of construction.
Sec. 408. Violation of environmental health and safety requirements.
Sec. 409. Nondiscrimination of health insurance.
TITLE V—ASBESTOS BAN
Sec. 501. Prohibition on asbestos containing products.
Sec. 502. Naturally occurring asbestos.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Millions of Americans have been exposed to forms of asbestos that can have devastating health effects.

(2) Various injuries can be caused by exposure to some forms of asbestos, including pleural disease and some forms of cancer.

(3) The injuries caused by asbestos can have latency periods of up to 40 years, and even limited exposure to some forms of asbestos may result in injury in some cases.

(4) Asbestos litigation has had a significant detrimental effect on the country's economy, driving companies into bankruptcy, diverting resources from those who are truly sick, and endangering jobs and pensions.

(5) The scope of the asbestos litigation crisis cuts across every State and virtually every industry.

(6) The United States Supreme Court has recognized that Congress must act to create a more rational asbestos claims system. In 1991, a Judicial Conference Ad Hoc Committee on Asbestos Litigation, appointed by Chief Justice William Rehnquist, found that the ''ultimate solution should be legislation recognizing the national proportions of the problem . . . and creating a national asbestos dispute resolution scheme . . .''. The Court found in 1997 in Amchem Products Inc. v. Windsor, 521 U.S. 591, 595 (1997), that ''[t]he 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.'' In 1999, the Court in Ortiz v. Fibreboard Corp., 527 U.S. 819, 821 (1999), found that the ''elephantine mass of asbestos cases . . . defies customary judicial administration and calls for national legislation.'' That finding was again recognized in 2003 by the Court in Norfolk & Western Railway Co. v. Ayers, 123 S. Ct. 1210 (2003).

(7) This crisis, and its significant effect on the health and welfare of the people of the United States, on interstate and foreign commerce, and on the bankruptcy system, compels Congress to exercise its power to regulate interstate commerce and create this legislative solution in the form of a national asbestos injury claims resolution program to supersede all existing methods to compensate those injured by asbestos, except as specified in this Act.

(8) This crisis has also imposed a deleterious burden upon the United States bankruptcy courts, which have assumed a heavy burden of administering complicated and protracted bankruptcies with limited personnel.

(9) This crisis has devastated many communities across the country, but hardest hit has been Libby, Montana, where tremolite asbestos, 1 of the most deadly forms of asbestos, was contained in the vermiculite ore mined from the area and despite ongoing cleanup by the Environmental Protection Agency, many still suffer from the deadly dust.

(10) The asbestos found in Libby, Montana, tremolite asbestos, has demonstrated an unusually high level of toxicity, as compared to chrysotile asbestos. Diseases contracted from this tremolite asbestos are unique and highly progressive. These diseases typically manifest in a characteristic pleural disease pattern, and often result in severe impairment or death without radiographic interstitial disease or typical chrysotile markers of radiographic severity. According to the Agency for Toxic Substances and Disease Registry previous studies by the National Institutes of Occupational Safety and Health document significantly increased rates of pulmonary abnormalities and disease (asbestosis and lung cancer) among former workers.

(11) In Libby, Montana, exposure pathways are and were not limited to the workplace, rather, for decades there has been an unprecedented 24 hour per day contamination of the community's homes, playgrounds, gardens, and community air, such that the entire community of Libby, Montana, has been designated a Superfund site and is listed on the Environmental Protection Agency's National Priorities List.

(12) These multiple exposure pathways have caused severe asbestos disease and death not only in former workers at the mine and milling facilities, but also in the workers' spouses and children, and in community members who had no direct contact with the mine. According to the Environmental Protection Agency, some potentially important alternative pathways for past asbestos exposure include elevated concentrations of asbestos in ambient air and recreational exposures from children playing in piles of vermiculite. Furthermore, the Environmental Protection Agency has determined that current potential pathways of exposure include vermiculite placed in walls and attics as thermal insulation, vermiculite or ore used as road bed material, ore used as ornamental landscaping, and vermiculite or concentrated ore used as a soil and garden amendment or aggregate in driveways.

(13) The Environmental Protection Agency also concluded, ''Asbestos contamination exists in a number of potential source materials at multiple locations in and around the residential and commercial area of Libby... While data are not yet sufficient to perform reliable human-health risk evaluations for all sources and all types of disturbance, it is apparent that releases of fiber concentrations higher than Occupational Safety and Health Administration standards may occur in some cases ... and that screening-level estimates of lifetime excess cancer risk can exceed the upper-bound risk range of 1E–04 usually used by the Environmental Protection Agency for residents under a variety of exposure scenarios. The occurrence of non-occupational asbestos-related disease that has been observed among Libby residents is extremely unusual, and has not been associated with asbestos mines elsewhere, suggesting either very high and prolonged environmental exposures and/or increased toxicity of this form of amphibole asbestos.''.

(14) According to a November 2003 article from the Journal Environmental Health Perspectives titled, Radiographic Abnormalities and Exposure to Asbestos-Contaminated Vermiculite in the Community of Libby, Montana, USA, Libby residents who have evidence of ''no apparent exposure'', i.e., did not work with asbestos, were not a family member of a former worker, etc., had a greater rate of pleural abnormalities (6.7 percent) than did those in control groups or general populations found in other studies from other states (which ranged from 0.2 percent to 4.6 percent). ''Given the ubiquitous nature of vermiculite contamination in Libby, along with historical evidence of elevated asbestos concentrations in the air, it would be difficult to find participants who could be characterized as unexposed.''.

(b) PURPOSE.—The purpose of this Act is to—

(1) create a privately funded, publicly administered fund to provide the necessary resources for a fair and efficient system to resolve asbestos injury claims that will provide compensation for legitimate present and future claimants of asbestos exposure as provided in this Act;

(2) provide compensation to those present and future victims based on the severity of their injuries, while establishing a system flexible enough to accommodate individuals whose conditions worsens;

(3) relieve the Federal and State courts of the burden of the asbestos litigation; and

(4) increase economic stability by resolving the asbestos litigation crisis that has bankrupted companies with asbestos liability, diverted resources from the truly sick, and endangered jobs and pensions.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Asbestos Disease Compensation appointed under section 101(b).

(2) ASBESTOS.—The term ''asbestos'' includes—

(A) chrysotile;

(B) amosite;

(C) crocidolite;

(D) tremolite asbestos;

(E) winchite asbestos;

(F) richterite asbestos;

(G) anthophyllite asbestos;

(H) actinolite asbestos;

[(I) amphibole asbestos;]

(I) asbestiform amphibole minerals;

(J) any of the minerals listed under subparagraphs (A) through (I) that has been chemically treated or altered, and any asbestiform variety, type, or component thereof; and

(K) asbestos-containing material, such as asbestos-containing products, automotive or industrial parts or components, equipment, improvements to real property, and any other material that contains asbestos in any physical or chemical form.

(3) ASBESTOS CLAIM.—

(A) IN GENERAL.—The term ''asbestos claim'' means any claim, premised on any theory, allegation, or cause of action for damages or other relief presented in a civil action or bankruptcy proceeding, directly, indirectly, or derivatively arising out of, based on, or related to, in whole or part, the health effects of exposure to asbestos, including loss of consortium, wrongful death, and any derivative claim made by, or on behalf of, any exposed person or any representative, spouse, parent, child, or other relative of any exposed person.

(B) EXCLUSION.—The term does not include—

(i) claims alleging damage or injury to tangible property;

(ii) claims for benefits under a workers' compensation law or veterans' benefits program;

(iii) claims arising under any governmental or private health, welfare, disability, death or compensation policy, program or plan;

(iv) claims arising under any employment contract or collective bargaining agreement; or

(v) claims arising out of medical malpractice.

(4) ASBESTOS CLAIMANT.—The term ''asbestos claimant'' means an individual who files a claim under section 113.

(5) CIVIL ACTION.—The term ''civil action'' means all suits of a civil nature in State or Federal court, whether cognizable as cases at law or in equity or in admiralty, but does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(6) COLLATERAL SOURCE COMPENSATION.—The term ''collateral source compensation'' means the compensation that the claimant received, or is entitled to receive, from a defendant or an insurer of that defendant, or compensation trust as a result of a final judgment or settlement for an asbestos-related injury that is the subject of a claim filed under section 113.

(7) ELIGIBLE DISEASE OR CONDITION.—The term ''eligible disease or condition'' means the extent that an illness meets the medical criteria requirements established under subtitle C of title I.

(8) EMPLOYERS' LIABILITY ACT.—The term ''Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employer's Liability Act'' shall, for all purposes of this Act, include the Act of June 5, 1920 (46 U.S.C. App. 688), commonly known as the Jones Act, and the related phrase ''operations as a common carrier by railroad'' shall include operations as an employer of seamen.

(9) FUND.—The term ''Fund'' means the Asbestos Injury Claims Resolution Fund established under section 221.

(10) INSURANCE RECEIVERSHIP PROCEEDING.—The term ''insurance receivership proceeding'' means any State proceeding with respect to a financially impaired or insolvent insurer or reinsurer including the liquidation, rehabilitation, conservation, supervision, or ancillary receivership of an insurer under State law.

(11) LAW.—The term ''law'' includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(12) PARTICIPANT.—

(A) IN GENERAL.—The term ''participant'' means any person subject to the funding requirements of title II, including—

(i) any defendant participant subject to liability for payments under subtitle A of that title;

(ii) any insurer participant subject to a payment under subtitle B of that title; and

(iii) any successor in interest of a participant.

(B) EXCEPTION.—

(i) IN GENERAL.—A defendant participant shall not include any person protected from any asbestos claim by reason of an injunction entered in connection with a plan of reorganization under chapter 11 of title 11, United States Code, that has been confirmed by a duly entered order or judgment of a court that is no longer subject to any appeal or judicial review, and the substantial consummation, as such term is defined in section 1101(2) of title 11, United States Code, of such plan of reorganization has occurred.

(ii) APPLICABILITY.—Clause (i) shall not apply to a person who may be liable under subtitle A of title II based on prior asbestos expenditures related to asbestos claims that are not covered by an injunction described under clause (i).

(13) PERSON.—The term ''person''—

(A) means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation; and

(B) does not include the United States, any State or local government, or subdivision thereof, including school districts and any general or special function governmental unit established under State law.

(14) STATE.—The term ''State'' means any State of the United States and also includes the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(15) SUBSTANTIALLY CONTINUES.—The term ''substantially continues'' means that the business operations have not been significantly modified by the change in ownership.

(16) SUCCESSOR IN INTEREST.—The term ''successor in interest'' means any person that [acquires assets], *in 1 or a series of transactions, acquires all or substantially all of the assets and properties (including, without limitation, under section 363(b) or 1123(b)(4) of title 11, United States Code)*, and substantially continues the business operations, of a participant. The factors to be considered in determining whether a person is a successor in interest include—

(A) retention of the same facilities or location;

(B) retention of the same employees;

(C) maintaining the same job under the same working conditions;

(D) retention of the same supervisory personnel;

(E) continuity of assets;

(F) production of the same product or offer of the same service;

(G) retention of the same name;

(H) maintenance of the same customer base;

(I) identity of stocks, stockholders, and directors between the asset seller and the purchaser; or

(J) whether the successor holds itself out as continuation of previous enterprise, but expressly does not include whether the person actually knew of the liability of the participant under this Act.

(17) VETERANS' BENEFITS PROGRAM.—The term ''veterans' benefits program'' means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(18) WORKERS' COMPENSATION LAW.—The term ''workers' compensation law''—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, or damages recovered by any employee in a liability action against an employer.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—Office of Asbestos Disease Compensation

SEC. 101. ESTABLISHMENT OF OFFICE OF ASBESTOS DISEASE COMPENSATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department of Labor the Office of Asbestos Disease Compensation (hereinafter referred to in this Act as the ''Office''), which shall be headed by an Administrator.

(2) PURPOSE.—The purpose of the Office is to provide timely, fair compensation, in the amounts and under the terms specified in this Act, on a no-fault basis and in a non-adversarial manner, to individuals whose health has been adversely affected by exposure to asbestos.

[(3) EXPENSES.—There shall be available from the Asbestos Injury Claims Resolution Fund to the Administrator such sums as are necessary for the administrative expenses of the Office, including the sums necessary for conducting the studies provided for in section 121(e).]

(3) TERMINATION OF THE OFFICE.—The Office of Asbestos Disease Compensation shall terminate effective not later than 12 months following certification by the Administrator that the Fund has neither paid a claim in the previous 12 months nor has debt obligations remaining to pay.

(4) EXPENSES.—There shall be available from the Fund to the Administrator such sums as are necessary for any and all expenses associated with the Office of Asbestos Disease Compensation and necessary to carry out the purposes of this Act. Expenses covered should include—

(A) management of the Fund;

(B) personnel salaries and expenses, including retirement and similar benefits;

(C) the sums necessary for conducting the studies provided for in section 121(e);

(D) all administrative and legal expenses; and

(E) any other sum that could be attributable to the Fund.

(b) APPOINTMENT OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator of the Office of Asbestos Disease Compensation

shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall serve for a term of 5 years.

(2) REPORTING.—The Administrator shall report directly to the Assistant Secretary of Labor for the Employment Standards Administration.

(c) DUTIES OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall be responsible for—

(A) processing claims for compensation for asbestos-related injuries and paying compensation to eligible claimants under the criteria and procedures established under title I;

(B) determining, levying, and collecting assessments on participants under title II;

(C) appointing or contracting for the services of such personnel, making such expenditures, and taking any other actions as may be necessary and appropriate to carry out the responsibilities of the Office, including entering into cooperative agreements with other Federal agencies or State agencies and entering into contracts with nongovernmental entities;

(D) conducting such audits and additional oversight as necessary to assure the integrity of the program;

(E) managing the Asbestos Injury Claims Resolution Fund established under section 221, including—

(i) administering, in a fiduciary capacity, the assets of the Fund for the [exclusive] *primary* purpose of providing benefits to asbestos claimants and their beneficiaries;

(ii) defraying the reasonable expenses of administering the Fund;

(iii) investing the assets of the Fund in accordance with section 222(b);

(iv) retaining advisers, managers, and custodians who possess the necessary facilities and expertise to provide for the skilled and prudent management of the Fund, to assist in the development, implementation and maintenance of the Fund's investment policies and investment activities, and to provide for the safekeeping and delivery of the Fund's assets; and

(v) borrowing amounts authorized by section 221(b) on appropriate terms and conditions, including pledging the assets of or payments to the Fund as collateral;

(F) promulgating such rules, regulations, and procedures as may be necessary and appropriate to implement the provisions of this Act;

(G) making such expenditures as may be necessary and appropriate in the administration of this Act;

(H) excluding evidence and disqualifying or debarring any attorney, physician, provider of medical or diagnostic services, including laboratories and others who provide evidence in support of a claimant's application for compensation where the Administrator determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by such individuals or entities; and

(I) having all other powers incidental, necessary, or appropriate to carrying out the functions of the Office.

(2) CERTAIN ENFORCEMENTS.—For each infraction relating to paragraph (1)(H), the Administrator also may impose a civil penalty not to exceed $10,000 on any person or entity found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this Act. The Administrator shall prescribe appropriate regulations to implement paragraph (1)(H).

(3) SELECTION OF DEPUTY ADMINISTRATORS.—The Administrator shall select a Deputy Administrator for Claims Administration to carry out the Administrator's responsibilities under this title and a Deputy Administrator for Fund Management to carry out the Administrator's responsibilities under title II of this Act. The Deputy Administrators shall report directly to the Administrator and shall be in the Senior Executive Service.

(d) EXPEDITIOUS DETERMINATIONS.—The Administrator shall prescribe rules to expedite claims for asbestos claimants with exigent circumstances in order to expedite the payment of such claims as soon as possible after startup of the Fund. The Administrator shall contract out the processing of such claims.

(e) AUDIT AND PERSONNEL REVIEW PROCEDURES.—The Administrator shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of agency and contract personnel.

(f) APPLICATION OF FOIA.—

(1) IN GENERAL.—Section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) shall apply to the Office of Asbestos Disease Compensation and the Asbestos Insurers Commission.

[(2) CONFIDENTIALITY.—Any person may designate any record submitted under this section as a confidential commercial or financial record for purposes of section 552 of title 5, United States Code. The Administrator and the Chairman of the Asbestos Insurers Commission shall adopt procedures for designating such records as confidential. Information on reserves and asbestos-related liabilities submitted by any participant for the purpose of the allocation of payments under subtitles A and B of title II shall be deemed to be confidential financial records.]

(2) CONFIDENTIALITY OF FINANCIAL RECORDS.—

(A) IN GENERAL.—Any person may label any record submitted under this section as a confidential commercial or financial record for the purpose of requesting exemption from disclosure under section 552(b)(4) of title 5, United States Code.

(B) DUTIES OF ADMINISTRATOR AND CHAIRMAN OF THE ASBESTOS INSURERS COMMISSION.—The Administrator and Chairman of the Asbestos Insurers Commission—

(i) shall adopt procedures for—

(I) handling submitted records marked confidential; and

(II) protecting from disclosure records they determine to be confidential commercial or financial information exempt under section 552(b)(4) of title 5, United States Code; and

(ii) may establish a pre-submission determination process to protect from disclosure records on reserves and asbestos-related liabilities submitted by any defendant participant that is exempt under section 552(b)(4) of title 5, United States Code.

(C) REVIEW OF COMPLAINTS.—Nothing in this section shall supersede or preempt the de novo review of complaints filed under 552(b)(4) of title 5, United States Code.

(3) CONFIDENTIALITY OF MEDICAL RECORDS.—Any claimant may designate any record submitted under this section as a confidential personnel or medical file for purposes of section 552 of title 5, United States Code. The Administrator and the Chairman of the Asbestos Insurers Commission shall adopt procedures for designating such records as confidential.

SEC. 102. ADVISORY COMMITTEE ON ASBESTOS DISEASE COMPENSATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall establish an Advisory Committee on Asbestos Disease Compensation (hereinafter the ''Advisory Committee'').

(2) COMPOSITION AND APPOINTMENT.—The Advisory Committee shall be composed of **24** *20* members, appointed as follows—

(A) The Majority and Minority Leaders of the Senate, the Speaker of the House, and the Minority Leader of the House shall each appoint 4 members. Of the 4—

(i) 2 shall be selected to represent the interests of claimants, at least 1 of whom shall be selected from among individuals recommended by recognized national labor federations; and

(ii) 2 shall be selected to represent the interests of participants, 1 of whom shall be selected to represent the interests of the insurer participants and 1 of whom shall be selected to represent the interests of the defendant participants.

(B) The Administrator shall appoint [8] *4* members, who shall be individuals with qualifications and expertise in occupational or pulmonary medicine, occupational health, workers' compensation programs, financial administration, investment of funds, program auditing, or other relevant fields.

(3) QUALIFICATIONS.—All of the members described in paragraph (2) shall have expertise or experience relevant to the asbestos compensation program, including experience or expertise in diagnosing asbestos-related diseases and conditions, assessing asbestos exposure and health risks, filing asbestos claims, administering a compensation or insurance program, or as actuaries, auditors, or investment managers. None of the members described in paragraph (2)(B) shall be individuals who, for each of the 5 years before their appointments, earned more than 15 percent of their income by serving in matters related to asbestos litigation as consultants or expert witnesses.

(b) DUTIES.—The Advisory Committee shall advise the Administrator on—

(1) claims filing and claims processing procedures;

(2) claimant assistance programs;

(3) audit procedures and programs to ensure the quality and integrity of the compensation program;

(4) the development of a list of industries, occupations and time periods for which there is a presumption of substantial occupational exposure to asbestos;

(5) recommended analyses or research that should be conducted to evaluate past claims and to project future claims under the program;

(6) the annual report required to be submitted to Congress under section 405; and

(7) such other matters related to the implementation of this Act as the Administrator considers appropriate.

(c) OPERATION OF THE COMMITTEE.—

(1) Each member of the Advisory Committee shall be appointed for a term of 3 years, except that, of the members first appointed—

(A) 8 shall be appointed for a term of 1 year;

(B) 8 shall be appointed for a term of 2 years; and

(C) 8 shall be appointed for a term of 3 years, as determined by the Administrator at the time of appointment.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term shall be appointed only for the remainder of such term.

(3) The Administrator shall designate a Chairperson and Vice Chairperson from among members of the Advisory Committee appointed under subsection (a)(2)(B).

(4) The Advisory Committee shall meet at the call of the Chairperson or the majority of its members, and at a minimum shall meet at least 4 times per year during the first 5 years of the asbestos compensation program, and at least 2 times per year thereafter.

(5) The Administrator shall provide to the Committee such information as is necessary and appropriate for the Committee to carry out its responsibilities under this section. The Administrator may, upon request of the

Advisory Committee, secure directly from any Federal, State, or local department or agency such information as may be necessary and appropriate to enable the Advisory Committee to carry out its duties under this section. Upon request of the Administrator, the head of such department or agency shall furnish such information to the Advisory Committee.

(6) The Administrator shall provide the Advisory Committee with such administrative support as is reasonably necessary to enable it to perform its functions.

(d) EXPENSES.—Members of the Advisory Committee, other than full-time employees of the United States, while attending meetings of the Advisory Committee or while otherwise serving at the request of the Administrator, and while serving away from their homes or regular places of business, shall be allowed travel and meal expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

SEC. 103. MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—The Administrator shall establish a Medical Advisory Committee to provide expert advice regarding medical issues arising under the statute.

(b) QUALIFICATIONS.—None of the members of the Medical Advisory Committee shall be individuals who, for each of the 5 years before their appointments, earned more than 15 percent of their income by serving in matters related to asbestos litigation as consultants or expert witnesses.

SEC. 104. CLAIMANT ASSISTANCE.

(a) ESTABLISHMENT.—Not later than 180 days after the enactment of this Act, the Administrator shall establish a comprehensive asbestos claimant assistance program to—

(1) publicize and provide information to potential claimants about the availability of benefits for eligible claimants under this Act, and the procedures for filing claims and for obtaining assistance in filing claims;

(2) provide assistance to potential claimants in preparing and submitting claims, including assistance in obtaining the documentation necessary to support a claim;

(3) respond to inquiries from claimants and potential claimants;

(4) provide training with respect to the applicable procedures for the preparation and filing of claims to persons who provide assistance or representation to claimants; and

(5) provide for the establishment of a website where claimants may access all relevant forms and information.

(b) RESOURCE CENTERS.—The claimant assistance program shall provide for the establishment of resource centers in areas where there are determined to be large concentrations of potential claimants. These centers shall be located, to the extent feasible, in facilities of the Department of Labor or other Federal agencies.

(c) CONTRACTS.—The claimant assistance program may be carried out in part through contracts with labor organizations, community-based organizations, and other entities which represent or provide services to potential claimants, except that such organizations may not have a financial interest in the outcome of claims filed with the Office.

(d) LEGAL ASSISTANCE.—

(1) IN GENERAL.—As part of the program established under subsection (a), the Administrator shall establish a legal assistance program to provide assistance to asbestos claimants concerning legal representation issues.

(2) LIST OF QUALIFIED ATTORNEYS.—As part of the program, the Administrator shall maintain a roster of qualified attorneys who have agreed to provide pro bono services to asbestos claimants under rules established by the Administrator. The claimants shall not be required to use the attorneys listed on such roster.

(3) NOTICE.—

(A) NOTICE BY ADMINISTRATOR.—The Administrator shall provide asbestos claimants with notice of, and information relating to—

(i) pro bono services for legal assistance available to those claimants; and

(ii) any limitations on attorneys fees for claims filed under this title.

(B) NOTICE BY ATTORNEYS.—Before a person becomes a client of an attorney with respect to an asbestos claim, that attorney shall provide notice to that person of pro bono services for legal assistance available for that claim.

(e) ATTORNEY'S FEES.—

(1) IN GENERAL.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under the Fund, more than 5 percent of a final award made (whether by the Administrator initially or as a result of administrative review) under the Fund on such claim.

(2) PENALTY.—Any representative of an asbestos claimant who violates this subsection shall be fined not more than the greater of—

(A) $5,000; or

(B) twice the amount received by the representative for services rendered in connection with each such violation.

SEC. 105. PHYSICIANS PANELS.

(a) APPOINTMENT.—The Administrator shall, in accordance with section 3109 of title 5, United States Code, appoint physicians with experience and competency in diagnosing asbestos-related diseases to be available to serve on Physicians Panels, as necessary to carry out this Act.

(b) FORMATION OF PANELS.—

(1) IN GENERAL.—The Administrator shall periodically determine—

(A) the number of Physicians Panels necessary for the efficient conduct of the medical review process under section 121;

(B) the number of Physicians Panels necessary for the efficient conduct of the exceptional medical claims process under section 121; and

(C) the particular expertise necessary for each panel.

(2) EXPERTISE.—Each Physicians Panel shall be composed of members having the particular expertise determined necessary by the Administrator, randomly selected from among the physicians appointed under subsection (a) having such expertise.

(3) PANEL MEMBERS.—

[(A) In general].—Except as provided under subparagraph (B), each Physicians Panel shall consist of 3 physicians, 2 of whom shall be designated to participate in each case submitted to the Physicians Panel, and the third of whom shall be consulted in the event of disagreement.

[(B) WAIVER.—The Administrator may waive the provisions of subparagraph (A) and may provide for panels of less than 3 physicians, if the Administrator determines that—

(i) there is a shortage of qualified physicians available for service on panels; and

(ii) such shortage will result in administrative delay in the claims process.]

(c) QUALIFICATIONS.—To be eligible to serve on a Physicians Panel under subsection (a), a person shall be—

(1) a physician licensed in any State;

(2) board-certified in pulmonary medicine, occupational medicine, internal medicine, oncology, or pathology; and

(3) an individual who, for each of the 5 years before and during his or her appointment to a Physicians Panel, has earned not more than 15 percent of his or her income as an employee of a participating defendant or insurer or a law firm representing any party in asbestos litigation or as a consultant or expert witness in matters related to asbestos litigation.

(d) DUTIES.—Members of a Physicians Panel shall—

(1) make such medical determinations as are required to be made by Physicians Panels under section 121; and

(2) perform such other functions as required under this Act.

(e) COMPENSATION.—Notwithstanding any limitation otherwise established under section 3109 of title 5, United States Code, the Administrator shall be authorized to pay members of a Physician Panel such compensation as is reasonably necessary to obtain their services.

(f) FEDERAL ADVISORY COMMITTEE ACT.—A Physicians Panel established under this section shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. 2).

SEC. 106. PROGRAM STARTUP.

(a) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate interim regulations and procedures for the processing of claims under title I and the operation of the Fund under title II, including procedures for the expediting of exigent health claims, *and processing of claims through the claims facility*.

(b) INTERIM PERSONNEL.—The Secretary of Labor and the Assistant Secretary of Labor for the Employment Standards Administration may make available to the Administrator on a temporary basis such personnel and other resources as may be necessary to facilitate the expeditious startup of the program. The Administrator may in addition contract with individuals or entities having relevant experience to assist in the expeditious startup of the program. Such relevant experience shall include, but not be limited to, experience with the review of workers' compensation, occupational disease, or similar claims and with financial matters relevant to the operation of the program.

(c) EXIGENT HEALTH CLAIMS.—

(1) IN GENERAL.—The Administrator shall develop procedures to provide for an expedited process to categorize, evaluate, and pay exigent health claims. Such procedures shall include, pending promulgation of final regulations, adoption of interim regulations as needed for processing of exigent health claims.

(2) ELIGIBLE EXIGENT HEALTH CLAIMS.—A claim shall qualify for treatment as an exigent health claim if [the claimant is living and the claimant provides]—

(A) *the claimant is living and provides* a diagnosis of mesothelioma meeting the requirements of section 121(d)(10); [or]

(B) *the claimant is living and provides* a declaration or affidavit, from a physician who has examined the claimant within 120 days before the date of such declaration or affidavit, that the physician has diagnosed the claimant as being terminally ill from an asbestos-related illness and having a life expectancy of less than 1 year*; or*

(C) the claimant is the spouse or child of an eligible exigent health claimant who—

(i) was living when the claim was filed with the Fund, or if before the implementation of interim regulations for the filing of claims with the Fund, on the date of enactment of this Act;

(ii) has since died from an asbestos-related disease or condition; and

(iii) has not received compensation from the Fund for the disease or condition for which the claim was filed.

(3) ADDITIONAL EXIGENT HEALTH CLAIMS.—The Administrator may, in final regulations

promulgated under section 101(c), designate additional categories of claims that qualify as exigent health claims under this subsection.

(4) CLAIMS FACILITY.—To facilitate the prompt payment of exigent health claims, the Administrator shall contract with a claims facility, which applying the medical criteria of section 121, may enter into settlements with claimants. [In the absence of an offer of judgment as provided under section 106(f)(2), the claimant may submit a claim to that claims facility. The claims facility shall receive the claimant's submissions and evaluate the claim in accordance with subtitles B and C. The claims facility shall then submit the file to the Administrator for payment in accordance with subtitle D. This subsection shall not apply to exceptional medical claims under section 121(f). A claimant may appeal any decision at a claims facility with the Administrator in accordance with section 114.] *The processing and payment of claims shall be subject to regulations promulgated under this Act.*

(5) AUTHORIZATION FOR CONTRACTS WITH CLAIMS FACILITIES.—The Administrator may enter into contracts with [claims facilities] *a claims facility* for the processing of claims (except for exceptional medical claims) in accordance with this title.

(d) EXTREME FINANCIAL HARDSHIP CLAIMS.—The Administrator shall, in final regulations promulgated under section 101(c), designate categories of claims to be handled on an expedited basis as a result of extreme financial hardship.

(e) INTERIM ADMINISTRATOR.—Until an Administrator is appointed and confirmed under section 101(b), the responsibilities of the Administrator under this Act shall be performed by the Assistant Secretary of Labor for the Employment Standards Administration, who shall have all the authority conferred by this Act on the Administrator and who shall be deemed to be the Administrator for purposes of this Act. Before final regulations being promulgated relating to claims processing, the Interim Administrator may prioritize claims processing, without regard to the time requirements prescribed in subtitle B of this title, based on severity of illness and likelihood that [the illness in question was caused by exposure to asbestos.] *exposure to asbestos was a substantial contributing factor for the illness in question.*

[(f) STAY OF CLAIMS; RETURN TO TORT SYSTEM.—

[(1) STAY OF CLAIMS.—Notwithstanding any other provision of this Act, any asbestos claim pending as of the date of enactment of this Act, other than a claim to which section 403(d)(2)(A) applies, shall be subject to a stay.

[(2) EXIGENT HEALTH CLAIMS.—

[(A) PROCEDURES FOR SETTLEMENT OF EXIGENT HEALTH CLAIMS.—

[(i) IN GENERAL.—Any person that has filed a timely exigent health claim seeking a judgment or order for monetary damages in any Federal or State court before or after the date of enactment of this Act, may immediately seek an offer of judgment of such claim in accordance with this subparagraph.

[(ii) FILING.—

[(I) IN GENERAL.—The claimant shall file with the Administrator and serve upon all defendants in the pending court action an election to pursue an offer of judgment—

[(aa) within 60 days after the date of enactment of this Act, if the claim was filed in a Federal or State court before such date of enactment; and

[(bb) within 60 days after the date of the filing of the claim, if the claim is filed in a Federal or State court on or after the date of enactment of this Act.

[(II) STAY.—If the claimant fails to file and serve a timely election under this clause, the stay under subparagraph (B) shall remain in effect.

[(iii) INFORMATION.—A claimant who has filed a timely election under clause (ii) shall within 60 days after filing provide to each defendant and to the Administrator—

[(I) the amount received or due to be received as a result of all settlements that would qualify as a collateral source under section 134, together with copies of all settlement agreements and related documents sufficient to show the accuracy of that amount;

[(II) all information that the claimant would be required to provide to the Administrator in support of a claim under sections 115 and 121; and

[(III) a certification by the claimant that the information provided is true and complete.

[(iv) CERTIFICATION.—The certification provided under clause (iii) shall be subject to the same penalties for false or misleading statements that would be applicable with regard to information provided to the Administrator in support of a claim.

[(v) OFFER OF JUDGMENT.—Within 30 days after service of a complete set of the information described in clause (iii), any defendant may file and serve on all parties a good faith offer of judgment in an aggregate amount not to exceed the total amount to which the claimant may be entitled under section 131 after adjustment for collateral sources under section 134. If the aggregate amount offered by all defendants exceeds the limitation in this clause, all offers shall be deemed reduced pro-rata until the aggregate amount equals the amount provided under section 131.

[(vi) ACCEPTANCE OR REJECTION.—Within 20 days after the service of the last offer of judgment, the claimant shall either accept or reject such offers. If the amount of the offer made by any defendant individually, or by any defendants jointly, equals or exceeds 100 percent of what the claimant would receive under the Fund, the claimant shall accept such offer and release any outstanding asbestos claims.

[(vii) LUMP SUM PAYMENT.—Any accepted offer of judgment shall be payable within 30 days and in 1 lump sum in order to settle the pending claim.

[(viii) RECOVERY OF COSTS.—Any defendant whose offer of judgment is accepted and has settled an asbestos claim under clauses (vi) and (vii) may recover the cost of such settlement by deducting from its next and subsequent contributions to the Fund for the full amount of the payment made by such defendant to the exigent health claimant, unless the Administrator finds, on the basis of clear and convincing evidence, that—

[(I) the claimant did not meet the requirements of an exigent health claim; and

[(II) the defendant's offer was collusive or otherwise not in good faith.

[(ix) INDEMNIFICATION.—In any case in which the Administrator refuses to grant full indemnification under clause (viii), the Administrator may provide such partial indemnification as may be fair and just in the circumstances. If Administrator denies indemnification, the defendant may seek contribution from other non-settling defendants, as well as reimbursement under the defendant's applicable insurance policies. If the Administrator refuses to grant full or partial indemnification based on collusive action, the defendant may pursue any available remedy against the claimant.

[(x) REFUSAL TO MAKE OFFER.—If a defendant refuses to make an offer of judgment, the claimant may continue to seek a judgment or order for monetary damages from the court where the case is [currently pending in an amount not to exceed 150 percent of what the claimant would receive if the claimant had filed a claim with the Fund. Such a judgment or order may also provide an award for claimant's attorneys' fees and the costs of litigation.

[(xi) REJECTION OF OFFER.—If the claimant rejects the offer as less than what the claimant would qualify to receive under section 131, the claimant may immediately pursue the claim in court where the claimant shall demonstrate, in addition to all other essential elements of the claimant's claim against any defendant, that the claimant meets the requirements of section 121.

[(B) PURSUAL OF EXIGENT HEALTH CLAIMS.—

[(i) STAY.—If a claimant does not elect to seek an offer of judgment under subparagraph (A), the pending claim is stayed for 9 months after the date of enactment of this Act.

[(ii) DEFENDANT OFFER.—If a claimant does not elect to seek an offer of judgment under subparagraph (A), the defendant may elect to make an offer according to the provisions of this paragraph, except that a claimant shall not be required to accept that offer. The claimant shall accept or reject the offer within 20 days.

[(iii) CLAIMS FACILITY.—If a claimant does not elect to seek an offer of judgment under subparagraph (A), the claimant may seek an award from the Fund through the claims facility under section 106 (c)(4).

[(iv) CONTINUANCE OF CLAIMS.—If, after 9 months after the date of enactment of this Act, the Administrator cannot certify to Congress that the Fund is operational and paying exigent health claims at a reasonable rate, each person that has filed an exigent health claim before such date of enactment and stayed under this paragraph may continue their exigent health claims in the court where the case was pending on the date of enactment of this Act. For exigent claims filed after the date of enactment of this Act, by claimants who do not elect to seek an offer of judgment under subparagraph (A), the pending claim is stayed for 9 months after the date the claim is filed, unless during that period the Administrator can certify to Congress that the Fund is operational and paying valid claims at a reasonable rate.

[(C) CREDIT OF CLAIM AND EFFECT OF OPERATIONAL FUND.—If an asbestos claim is pursued in Federal or State court in accordance with this paragraph, any recovery by the claimant shall be a collateral source compensation for purposes of section 134.

[(3) PURSUAL OF ASBESTOS CLAIMS IN FEDERAL OR STATE COURT.—

[(A) IN GENERAL.—Notwithstanding any other provision of this Act, if, not later than 24 months after the date of enactment of this Act, the Administrator cannot certify to Congress that the Fund is operational and paying all valid claims at a reasonable rate, any person with a non-exigent asbestos claim stayed under this paragraph, except for any person whose claim does not exceed a Level I claim, may pursue that claim in the Federal district court or State court located within—

[(i) the State of residence of the claimant; or

[(ii) the State in which the asbestos exposure arose.

[(B) DEFENDANTS NOT FOUND.—If any defendant cannot be found in the State described in clause (i) or (ii) of subparagraph (A), the claim may be pursued in the Federal district court or State court located within any State in which the defendant may be found.

[(C) DETERMINATION OF MOST APPROPRIATE FORUM.—If a person alleges that the asbestos exposure occurred in more than 1 county (or

Federal district), the trial court shall determine which State and county (or Federal district) is the most appropriate forum for the claim. If the court determines that another forum would be the most appropriate forum for a claim, the court shall dismiss the claim. Any otherwise applicable statute of limitations shall be tolled beginning on the date the claim was filed and ending on the date the claim is dismissed under this subparagraph.]

[(D) STATE VENUE REQUIREMENTS.—Nothing in this paragraph shall preempt or supersede any State's law relating to venue requirements within that State which are more restrictive.

[(E) CREDIT OF CLAIM AND EFFECT OF OPERATIONAL OR NONOPERATIONAL FUND.—

[(i) CREDIT OF CLAIM.—If an asbestos claim is pursued in Federal or State court in accordance with this paragraph, any recovery by the claimant shall be a collateral source compensation for purposes of section 134.

[(ii) OPERATIONAL FUND.—If the Administrator subsequently certifies to Congress that the Fund has become operational and paying all valid asbestos claims at a reasonable rate, any claim in a civil action in Federal or State court that is not actually on trial before a jury which has been impaneled and presentation of evidence has commenced, but before its deliberation, or before a judge and is at the presentation of evidence, may, at the option of the claimant, be deemed a reinstated claim against the Fund and the civil action before the Federal or State court shall be null and void.

[(iii) NONOPERATIONAL FUND.—Notwithstanding any other provision of this Act, if the Administrator subsequently certifies to Congress that the Fund cannot become operational and paying all valid asbestos claims at a reasonable rate, all asbestos claims that have a stay may be filed or reinstated.]

(f) STAY OF CLAIMS; RETURN TO TORT SYSTEM.—

(1) STAY OF CLAIMS.—Notwithstanding any other provision of this Act, any asbestos claim pending on the date of enactment of this Act, other than a claim to which section 403(d)(2) applies, shall be subject to a stay.

(2) EXIGENT HEALTH CLAIMS.—

(A) PROCEDURES FOR SETTLEMENT OF EXIGENT HEALTH CLAIMS.—

(i) IN GENERAL.—Any person that has filed an exigent health claim, as provided under subsection (c)(2), seeking a judgment or order for monetary damages in any Federal or State court before the date of the enactment of this Act, may seek a settlement in accordance with this paragraph. Any person with an exigent health claim, as provided under subsection (c)(2), that arises after such date of enactment may seek a settlement offer in accordance with this paragraph.

(ii) FILING.—

(I) IN GENERAL.—At any time before the Fund or claims facility being certified as operational and paying exigent health claims at a reasonable rate, any person with an exigent health claim as described under clause (i) shall file a notice of their intent to seek a settlement or shall file their exigent health claim with the Administrator or claims facility. Filing of an exigent health claim with the Administrator or claims facility may serve as notice of intent to seek a settlement.

(II) STAY.—If the claimant fails to file under this clause, the stay shall remain in effect except as provided under subparagraph (B).

(iii) EXIGENT HEALTH CLAIM INFORMATION.—To file an exigent health claim, each individual shall provide all of the following information:

(I) The amount received or entitled to be received as a result of all settlements that would qualify as a collateral source under section 134, and copies of all settlement agreements and related documents sufficient to show the accuracy of that amount.

(II) All information that the claimant would be required to provide to the Administrator in support of a claim under sections 113 and 121.

(III) A certification by the claimant that the information provided is true and complete. The certification provided under this subclause shall be subject to the same penalties for false or misleading statements that would be applicable with regard to information provided to the Administrator or claims facility in support of a claim.

(IV) For exigent health claims arising after the date of enactment of this Act, the claimant shall identify each defendant that would be an appropriate defendant in a civil action seeking damages for the asbestos claim of the claimant. The identification of a defendant under this subclause shall be required to comply with rule 11 of the Federal Rules of Civil Procedure.

(iv) TIMING.—A claimant who has filed a notice of their intent to seek a settlement under clause (ii) shall within 60 days after filing notice provide to the Administrator or claims facility, and all affected defendants the information required under clause (iii). If a claimant has filed an exigent health claim under clause (ii) the Administrator shall provide all affected defendants the information required under clause (iii).

(v) ADMINISTRATOR OR CLAIMS FACILITY CERTIFICATION OF SETTLEMENT.—

(I) DETERMINATION.—Within 60 days after the information under clause (iii) is provided, the Administrator or claims facility shall determine whether or not the claim meets the requirements of an exigent health claim.

(II) REQUIREMENTS MET.—If the Administrator or claims facility determines that the claim meets the requirements of an exigent health claim, the Administrator or claims facility shall immediately—

(aa) issue and serve on all parties a certification of eligibility of such claim;

(bb) determine the value of such claim under the Fund by subtracting from the amount in section 131 the total amount of collateral source compensation received by the claimant; and

(cc) pay the award of compensation to the claimant under clause (xi).

(III) REQUIREMENTS NOT MET.—If the requirements under clause (iii) are not met, the claimant shall have 30 days to perfect the claim. If the claimant fails to perfect the claim within that 30-day period or the Administrator or claims facility determines that the claim does not meet the requirements of an exigent health claim, the claim shall not be eligible to proceed under this paragraph. A claimant may appeal any decision issued by a claims facility with the Administrator in accordance with section 114.

(vi) FAILURE TO CERTIFY.—If the Administrator or claims facility is unable to process the claim and does not make a determination regarding the certification of the claim as required under clause (v), the Administrator or claims facility shall within 10 days after the end of the 60-day period referred to under clause (v)(I) provide notice of the failure to act to the claimant and the defendants in the pending Federal or State court action or the defendants identified under clause (iii)(IV). If the Administrator or claims facility fails to provide such notice within 10 days, the claimant may elect to provide the notice to the affected defendants to prompt a settlement offer.

(vii) FAILURE TO PAY.—If the Administrator or claims facility does not pay the award as required under clause (xi), the Administrator shall refer the certified claim within 10 days as a certified exigent health claim to the defendants in the pending Federal and State court action or to the potential defendants identified under clause (iii)(IV) for exigent claims arising after the date of enactment of this Act.

(viii) SETTLEMENT OFFER.—Any defendant or defendants may, within 30 days after receipt of such notice as provided under clause (vi) or (vii), file and serve on all parties and the Administrator a good faith settlement offer in an aggregate amount not to exceed the total amount to which the claimant may be entitled under section 131. If the aggregate amount offered by all defendants exceeds the award determined by the Administrator, all offers shall be deemed reduced pro-rata until the aggregate amount equals the award amount. An acceptance of such settlement offer in a pending court action shall be subject to approval by the trial judge or authorized magistrate in the court where the claim is pending. The court shall approve any such accepted offer within 20 days after a request, unless there is evidence of bad faith or fraud. No court approval is necessary if the exigent health claim was certified by the Administrator or claims facility under clause (v).

(ix) OPPORTUNITY TO CURE.—If the settlement offer is rejected for being less than what the claimant was entitled to under the Fund, the defendants shall have 10 business days to make an amended offer. If the amended offer equals 100 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement offer in writing. If the settlement offer is again rejected as less than what the claimant is entitled to under the Fund or if defendants fail to make an amended offer, the claimant shall be entitled to recover 150 percent of what the claimant would receive under the Fund before the stay being lifted under subparagraph (B). If the amount of the amended settlement offer made by the Administrator, claims facility, or defendants equals 150 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement in writing.

(x) ACCEPTANCE OR REJECTION.—Within 20 days after receipt of the settlement offer, or the amended settlement offer, the claimant shall either accept or reject such offer in writing. If the amount of the settlement offer made by the Administrator, claims facility, or defendants equals 100 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement in writing.

(xi) PAYMENT SCHEDULE.—

(I) MESOTHELIOMA CLAIMANTS.—For mesothelioma claimants—

(aa) an initial payment of 50 percent shall be made within 30 days after the date the settlement is accepted and the second and final payment shall be made 6 months after date the settlement is accepted; or

(bb) if the Administrator determines that the payment schedule would impose a severe financial hardship on the Fund, or if the court determines that the settlement offer would impose a severe financial hardship on the defendant, the payments may be extended 50 percent in 6 months and 50 percent 11 months after the date the settlement offer is accepted.

(II) OTHER EXIGENT CLAIMANTS.—For other exigent claimants, as defined under section 106(c)(2)(B and (C)—

(aa) the initial payment of 50 percent shall be made within 6 months after the date the settlement is accepted and the second and final payment shall be made 12 months after date the settlement is accepted; or

(bb) if the Administrator determines that the payment schedule would impose a severe financial hardship on the Fund, or if the court determines that the settlement offer would impose a severe financial hardship on the defendants, the payments may be extended 50 percent within 1 year after the date the settlement offer is accepted and 50 percent in 2 years after date the settlement offer is accepted.

(III) RELEASE.—Once a claimant has received final payment of the accepted settlement offer the claimant shall release any outstanding asbestos claims.

(xii) RECOVERY OF COSTS.—

(I) IN GENERAL.—Any defendant whose settlement offer is accepted may recover the cost of such settlement by deducting from the defendant's next and subsequent contributions to the Fund the full amount of the payment made by

such defendant to the exigent health claimant, unless the Administrator finds, on the basis of clear and convincing evidence, that the defendant's offer is not in good faith. Any such payment shall be considered a payment to the Fund for purposes of section 404(e)(1) and in response to the payment obligations imposed on defendant and insurer participants in title II.

(II) REIMBURSEMENT.—Notwithstanding subclause (I), if the deductions from the defendant participant's next and subsequent contributions to the Fund do not fully recover the cost of such payments on or before its third annual contribution to the Fund, the Fund shall reimburse such defendant for such remaining cost not later than 6 months after the date of the third scheduled Fund contribution.

(xiii) FAILURE TO MAKE OFFER.—If defendants fail to make a settlement offer within the 30-day period described under clause (viii) or make amended offers within the 10 business day cure period described under clause (ix), the claimant shall be entitled to recover 150 percent of what the claimant would receive under the Fund before the stay being lifted under subparagraph (B).

(xiv) FAILURE TO PAY.—If defendants fail to pay an accepted settlement offer within the payment schedule under clause (xi), the claimant shall be entitled to recover 150 percent of what the claimant would receive under the Fund before the stay being lifted under subparagraph (B). If the stay is lifted under subparagraph (B) the claimant may seek a judgment or order for monetary damages from the court where the case is currently pending or the appropriate Federal or State court for claims arising after the date of enactment of this Act.

(B) CONTINUATION OF EXIGENT HEALTH CLAIMS.—If 9 months after an exigent health claim has been filed under subparagraph (A)(ii), a claimant has not received a settlement under subparagraph (A)(xi) and the Administrator has not certified to Congress that the Fund or claims facility is operational and paying exigent health claims at a reasonable rate, such exigent health claimant, may seek a judgment or order for monetary damages from the court where the case is currently pending or the appropriate Federal or State court for claims arising after the date of enactment of this Act.

(C) CREDIT OF CLAIM AND EFFECT OF OPERATIONAL FUND.—

(i) COLLATERAL SOURCE.—If an asbestos claim is pursued in Federal or State court in accordance with this paragraph, any recovery by the claimant shall be a collateral source compensation for purposes of section 134.

(ii) RECOVERY OF COSTS.—Any defendant may recover the cost of any claim continued in court for up to the amount the claimant would receive under the Fund by deducting from the defendant's next and subsequent contributions to the Fund for the full amount of the payment made by such defendant to the exigent health claimant.

(3) PURSUAL OF NON-EXIGENT ASBESTOS CLAIMS IN FEDERAL OR STATE COURT.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, if not later than 24 months after the date of enactment of this Act, the Administrator cannot certify to Congress that the Fund is operational and paying all valid claims at a reasonable rate, any person with a non-exigent asbestos claim stayed, except for any person whose claim does not exceed a Level I claim, may pursue that claim in the Federal district court or State court located within—

(i) the State of residence of the claimant; or

(ii) the State in which the asbestos exposure occurred.

(B) DEFENDANTS NOT FOUND.—If any defendant cannot be found in the State described under subparagraph (A) (i) or (ii), the claim may be pursued in the Federal district court or State court located within any State in which the defendant may be found.

(C) DETERMINATION OF MOST APPROPRIATE FORUM.—If a person alleges that the asbestos exposure occurred in more than 1 county (or Federal district), the trial court shall determine which State and county (or Federal district) is the most appropriate forum for the claim. If the court determines that another forum would be the most appropriate forum for a claim, the court shall dismiss the claim. Any otherwise applicable statute of limitations shall be tolled beginning on the date the claim was filed and ending on the date the claim is dismissed under this subparagraph.

(D) STATE VENUE REQUIREMENTS.—Nothing in this paragraph shall preempt or supersede any State law relating to venue requirements within that State which are more restrictive.

(E) CREDIT OF CLAIM AND EFFECT OF OPERATIONAL OR NONOPERATIONAL FUND.—

(i) CREDIT OF CLAIM.—If an asbestos claim is pursued in Federal or State court in accordance with this paragraph, any recovery by the claimant shall be a collateral source compensation for purposes of section 134.

(ii) OPERATIONAL CERTIFICATION.—Operational certification shall be a filing in the Federal Register confirming that the Fund is operational and paying all valid asbestos claims at a reasonable rate.

(iii) OPERATIONAL PRECONDITIONS.—

(I) The Administrator may not issue a operational certification until—

(aa) 60 days after the funding allocation information required under section 221(e) has been published in the Federal Register; and

(bb) insurers subject to section 212(a)(3) submit their names and information to the Administrator within 30 days after the date of enactment of this Act and 60 days after the Administrator publishes such information in the Federal Register.

(iv) OPERATIONAL FUND.—If the Administrator issues an operational certification and notifies Congress that the Fund has become operational and paying all valid asbestos claims at a reasonable rate, any nonexigent asbestos claim in a civil action in Federal or State court that is not on trial before a jury which has been impaneled and presentation of evidence has commenced, but before its deliberation, or before a judge and is at the presentation of evidence shall be deemed a reinstated claim against the Fund and the civil action before the Federal or State court shall be null and void.

(v) NONOPERATIONAL FUND.—Notwithstanding any other provision of this Act, if the Administrator subsequently issues a nonoperational certification and notifies Congress that the Fund is unable to become operational and pay all valid asbestos claims at a reasonable rate, all asbestos claims that have a stay may be filed or reinstated.

SEC. 107. AUTHORITY OF THE ADMINISTRATOR.

The Administrator, on any matter within the jurisdiction of the Administrator under this Act, may—

(1) issue subpoenas for and compel the attendance of witnesses within a radius of 200 miles;

(2) administer oaths;

(3) examine witnesses;

(4) require the production of books, papers, documents, and other evidence; and

(5) request assistance from other Federal agencies with the performance of the duties of the Administrator under this Act.

Subtitle B—Asbestos Disease Compensation Procedures

SEC. 111. ESSENTIAL ELEMENTS OF ELIGIBLE CLAIM.

To be eligible for an award under this Act for an asbestos-related disease or injury, an individual shall—

(1) file a claim in a timely manner in accordance with section 113; and

(2) prove, by a preponderance of the evidence, that the claimant suffers from an eligible disease or condition, as demonstrated by evidence that meets the requirements established under subtitle C.

SEC. 112. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.

An asbestos claimant shall not be required to demonstrate that the asbestos-related injury for which the claim is being made resulted from the negligence or other fault of any other person.

SEC. 113. FILING OF CLAIMS.

(a) WHO MAY SUBMIT.—

(1) IN GENERAL.—Any individual who has suffered from a disease or condition that is believed to meet the requirements established under subtitle C (or the personal representative of the individual, if the individual is deceased or incompetent) may file a claim with the Office for an award with respect to such injury.

(2) DEFINITION.—In this Act, the term ''personal representative'' shall have the same meaning as that term is defined in section 104.4 of title 28 of the Code of Federal Regulations, as in effect on December 31, 2004.

(3) LIMITATION.—A claim may not be filed by any person seeking contribution or indemnity.

(4) EFFECT OF MULTIPLE INJURIES.—

(A) IN GENERAL.—A claimant who receives an award for an eligible disease or condition shall not be precluded from submitting claims for and receiving additional awards under this title for any higher disease level for which the claimant becomes eligible, subject to appropriate setoffs as provided under section 134.

(B) LIBBY, MONTANA CLAIMS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), if a Libby, Montana claimant worsens in condition, as measured by pulmonary function tests, such that a claimant qualifies for a higher nonmalignant level, the claimant shall be eligible for an additional award, at the appropriate level, offset by any award previously paid under this Act, such that a claimant would qualify for Level IV if the claimant satisfies section 121(f)(8), and would qualify for Level V if the claimant provides—

(I) a diagnosis of bilateral asbestos related nonmalignant disease;

(II) evidence of TLC or FVC less than 60 percent; and

(III) supporting medical documentation establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question, and excluding more likely causes of that pulmonary condition.

(ii) SUBSEQUENT MALIGNANT DISEASE.—If a Libby, Montana, claimant develops malignant disease, such that the claimant qualifies for Level VI, VII, VIII, or IX, subparagraph (A) shall apply.

(b) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—[Except as otherwise provided in this subsection, if an individual fails to file a claim with the Office under this section within 5 years after the date on which the individual first—

[(A) received a medical diagnosis of an eligible disease or condition as provided for under this subtitle and subtitle C; or

[(B) discovered facts that would have led a reasonable person to obtain a medical diagnosis with respect to an eligible disease or condition,

[any claim relating to that injury,] and any other asbestos claim related to that injury,] *If a claim is not filed with the Office within the limitations period specified in this subsection for that category of claim, such claim* shall be extinguished, and any recovery thereon shall be prohibited.

(2) INITIAL CLAIMS.—An initial claim for an award under this Act shall be filed within 5 years after the date on which the claimant first received a medical diagnosis and medical test results sufficient to satisfy the criteria for the disease level for which the claimant is seeking compensation.

(3) CLAIMS FOR ADDITIONAL AWARDS.—

(A) NON-MALIGNANT DISEASES.—If a claimant has previously filed a timely initial claim for compensation for any non-malignant disease level, there shall be no limitations period applicable to the filing of claims by the claimant for

additional awards for higher disease levels based on the progression of the non-malignant disease.

(B) MALIGNANT DISEASES.—Regardless of whether the claimant has previously filed a claim for compensation for any other disease level, a claim for compensation for a malignant disease level shall be filed within 5 years after the claimant first obtained a medical diagnosis and medical test results sufficient to satisfy the criteria for the malignant disease level for which the claimant is seeking compensation.

(2) [EXCEPTION.—The statute of limitations in paragraph (1) does not apply to the progression of nonmalignant diseases once the initial claim has been filed.]

[(3)] *(4)* EFFECT ON PENDING CLAIMS.—

(A) IN GENERAL.—If, on the date of enactment of this Act, an asbestos claimant has any timely filed asbestos claim that is preempted under section 403(e), such claimant shall file a claim under this section within 5 years after such date of enactment, or any claim relating to that injury, and any other asbestos claim related to that injury shall be extinguished, and recovery there shall be prohibited.

(B) SPECIAL RULE.—For purposes of this paragraph, a claim shall not be treated as pending with a trust established under title 11, United States Code, solely because a claimant whose claim was previously compensated by the trust has or alleges—

(i) a non-contingent right to the payment of future installments of a fixed award; or

(ii) a contingent right to recover some additional amount from the trust on the occurrence of a future event, such as the reevaluation of the trust's funding adequacy or projected claims experience.

[(4) EFFECT OF MULTIPLE INJURIES.—

(A) IN GENERAL.—An asbestos claimant who receives an award under this title for an eligible disease or condition, and who subsequently develops another such injury, shall be eligible for additional awards under this title (subject to appropriate setoffs for such prior recovery of any award under this title and from any other collateral source) and the statute of limitations under paragraph (1) shall not begin to run with respect to such subsequent injury until such claimant obtains a medical diagnosis of such other injury or discovers facts that would have led a reasonable person to obtain such a diagnosis.

(B) SETOFFS.—Except as provided in subparagraph (C), any amounts paid or to be paid for a prior award under this Act shall be deducted as a setoff against amounts payable for the second injury claim.

(C) EXCEPTION.—Any amounts paid or to be paid for a prior claim for a nonmalignant disease (Levels I through V) filed against the Fund shall not be deducted as a setoff against amounts payable for the second injury claim for a malignant disease (Levels VI through IX), unless the malignancy was diagnosed, or the asbestos claimant had discovered facts that would have led a reasonable person to obtain such a diagnosis, before the date on which the nonmalignancy claim was compensated.]

(c) REQUIRED INFORMATION.—A claim filed under subsection (a) shall be in such form, and contain such information in such detail, as the Administrator shall by regulation prescribe. At a minimum, a claim shall include—

(1) the name, social security number, gender, date of birth, and, if applicable, date of death of the claimant;

(2) information relating to the identity of dependents and beneficiaries of the claimant;

(3) an employment history sufficient to establish required asbestos exposure, accompanied by social security or other payment records or a signed release permitting access to such records;

(4) a description of the asbestos exposure of the claimant, including, to the extent known, information on the site, or location of exposure, and duration and intensity of exposure;

(5) a description of the tobacco product use history of the claimant, including frequency and duration;

(6) an identification and description of the asbestos-related diseases or conditions of the claimant, accompanied by a written report by the claimant's physician with medical diagnoses and x-ray films, and other test results necessary to establish eligibility for an award under this Act;

(7) a description of any prior or pending civil action or other claim brought by the claimant for asbestos-related injury or any other pulmonary, parenchymal, or pleural injury, including an identification of any recovery of compensation or damages through settlement, judgment, or otherwise; and

(8) for any claimant who asserts that he or she is a nonsmoker or an ex-smoker, as defined in section 131, for purposes of an award under Malignant Level VI, Malignant Level VII, or Malignant Level VIII, evidence to support the assertion of nonsmoking or ex-smoking, including relevant medical records.

(d) DATE OF FILING.—A claim shall be considered to be filed on the date that the claimant mails the claim to the Office, as determined by postmark, or on the date that the claim is received by the Office, whichever is the earliest determinable date.

(e) INCOMPLETE CLAIMS.—If a claim filed under subsection (a) is incomplete, the Administrator shall notify the claimant of the information necessary to complete the claim and inform the claimant of such services as may be available through the Claimant Assistance Program established under section 104 to assist the claimant in completing the claim. Any time periods for the processing of the claim shall be suspended until such time as the claimant submits the information necessary to complete the claim. If such information is not received within 1 year after the date of such notification, the claim shall be dismissed.

SEC. 114. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.

(a) IN GENERAL.—

(1) REVIEW OF CLAIMS.—The Administrator shall, in accordance with this section, determine whether each claim filed under the Fund or claims facility satisfies the requirements for eligibility for an award under this Act and, if so, the value of the award. In making such determinations, the Administrator shall consider the claim presented by the claimant, the factual and medical evidence submitted by the claimant in support of the claim, the medical determinations of any Physicians Panel to which a claim is referred under section 121, and the results of such investigation as the Administrator may deem necessary to determine whether the claim satisfies the criteria for eligibility established by this Act.

(2) ADDITIONAL EVIDENCE.—The Administrator may request the submission of medical evidence in addition to the minimum requirements of section 113(c) if necessary or appropriate to make a determination of eligibility for an award, in which case the cost of obtaining such additional information or testing shall be borne by the Office.

(b) PROPOSED DECISIONS.—Not later than 90 days after the filing of a claim, the Administrator shall provide to the claimant (and the claimant's representative) a proposed decision accepting or rejecting the claim in whole or in part and specifying the amount of the proposed award, if any. The proposed decision shall be in writing, shall contain findings of fact and conclusions of law, and shall contain an explanation of the procedure for obtaining review of the proposed decision.

(c) PAYMENTS IF NO TIMELY PROPOSED DECISION.—If the Administrator has received a complete claim and has not provided a proposed decision to the claimant under subsection (b) within 180 days after the filing of the claim, the claim shall be deemed accepted and the claimant shall be entitled to payment under section 133(a)(2). If the Administrator subsequently rejects the claim the claimant shall receive no further payments under section 133. If the Administrator subsequently rejects the claim in part, the Administrator shall adjust future payments due the claimant under section 133 accordingly. In no event may the Administrator recover amounts properly paid under this section from a claimant.

(d) REVIEW OF PROPOSED DECISIONS.—

(1) RIGHT TO HEARING.—

(A) IN GENERAL.—Any claimant not satisfied with a proposed decision of the Administrator under subsection (b) shall be entitled, on written request made within 90 days after the date of the issuance of the decision, to a hearing on the claim of that claimant before a representative of the Administrator. At the hearing, the claimant shall be entitled to present oral evidence and written testimony in further support of that claim.

(B) CONDUCT OF HEARING.—When practicable, the hearing will be set at a time and place convenient for the claimant. In conducting the hearing, the representative of the Administrator shall not be bound by common law or statutory rules of evidence, by technical or formal rules of procedure, or by section 554 of title 5, United States Code, except as provided by this Act, but shall conduct the hearing in such manner as to best ascertain the rights of the claimant. For this purpose, the representative shall receive such relevant evidence as the claimant adduces and such other evidence as the representative determines necessary or useful in evaluating the claim.

(C) REQUEST FOR SUBPOENAS.—

(i) IN GENERAL.—A claimant may request a subpoena but the decision to grant or deny such a request is within the discretion of the representative of the Administrator. The representative may issue subpoenas for the attendance and testimony of witnesses, and for the production of books, records, correspondence, papers, or other relevant documents. Subpoenas are issued for documents only if such documents are relevant and cannot be obtained by other means, and for witnesses only where oral testimony is the best way to ascertain the facts.

(ii) REQUEST.—A claimant may request a subpoena only as part of the hearing process. To request a subpoena, the requester shall—

(I) submit the request in writing and send it to the representative as early as possible, but no later than 30 days after the date of the original hearing request; and

(II) explain why the testimony or evidence is directly relevant to the issues at hand, and a subpoena is the best method or opportunity to obtain such evidence because there are no other means by which the documents or testimony could have been obtained.

(iii) FEES AND MILEAGE.—Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. Such fees and mileage shall be paid from the Fund.

(2) REVIEW OF WRITTEN RECORD.—In lieu of a hearing under paragraph (1), any claimant not satisfied with a proposed decision of the Administrator shall have the option, on written request made within 90 days after the date of the issuance of the decision, of obtaining a review of the written record by a representative of the Administrator. If such

review is requested, the claimant shall be afforded an opportunity to submit any written evidence or argument which the claimant believes relevant.

(e) FINAL DECISIONS.—

(1) IN GENERAL.—If the period of time for requesting review of the proposed decision expires and no request has been filed, or if the claimant waives any objections to the proposed decision, the Administrator shall issue a final decision. If such decision materially differs from the proposed decision, the claimant shall be entitled to review of the decision under subsection (d).

(2) TIME AND CONTENT.—If the claimant requests review of all or part of the proposed decision the Administrator shall issue a final decision on the claim not later than 180 days after the request for review is received, if the claimant requests a hearing, or not later than 90 days after the request for review is received, if the claimant requests review of the written record. Such decision shall be in writing and contain findings of fact and conclusions of law.

(f) REPRESENTATION.—A claimant may authorize an attorney or other individual to represent him or her in any proceeding under this Act.

SEC. 115. MEDICAL EVIDENCE AUDITING PROCEDURES.

(a) IN GENERAL.—

(1) DEVELOPMENT.—The Administrator shall develop methods for auditing and evaluating the medical evidence submitted as part of [a claim] *the claims process*. The Administrator may develop additional methods for auditing and evaluating other types of evidence or information received by the Administrator.

(2) REFUSAL TO CONSIDER CERTAIN EVIDENCE.—

(A) IN GENERAL.—If the Administrator determines that an audit conducted in accordance with the methods developed under paragraph (1) demonstrates that the medical evidence submitted by a specific physician or medical facility is not consistent with prevailing medical practices or the applicable requirements of this Act, any medical evidence from such physician or facility shall be unacceptable for purposes of establishing eligibility for an award under this Act.

(B) NOTIFICATION.—Upon a determination by the Administrator under subparagraph (A), the Administrator shall notify the physician or medical facility involved of the results of the audit. Such physician or facility shall have a right to appeal such determination under procedures issued by the Administrator.

(b) REVIEW OF CERTIFIED B-READERS.—

[(1) IN GENERAL.—At a minimum, the Administrator shall prescribe procedures to randomly assign claims for evaluation by an independent certified B-reader of x-rays submitted in support of a claim, the cost of which shall be borne by the Office.]

(1) IN GENERAL.—The Administrator shall prescribe procedures to randomly evaluate the x-rays submitted in support of a statistically significant number of claims by independent certified B-readers, the cost of which shall be paid by the Fund.

(2) DISAGREEMENT.—If an independent certified B-reader assigned under paragraph (1) disagrees with the quality grading or ILO level assigned to an x-ray submitted in support of a claim, the Administrator shall require a review of such x-rays by a second independent certified B-reader.

(3) EFFECT ON CLAIM.—If neither certified B-reader under paragraph (2) agrees with the quality grading and the ILO grade level assigned to an x-ray as part of the claim, the Administrator shall take into account the findings of the 2 independent B readers in making the determination on such claim.

(4) CERTIFIED B-READERS.—The Administrator shall maintain a list of a minimum of 50 certified B-readers eligible to participate in the independent reviews, chosen from all certified B-readers. When an x-ray is sent for independent review, the Administrator shall choose the certified B-reader at random from that list.

(c) SMOKING ASSESSMENT.—

(1) IN GENERAL.—

(A) RECORDS AND DOCUMENTS.—To aid in the assessment of the accuracy of claimant representations as to their smoking status for purposes of determining eligibility and amount of award under Malignant Level VI, Malignant Level VII, or Malignant Level VIII, and exceptional medical claims, the Administrator shall have the authority to obtain relevant records and documents, including—

(i) records of past medical treatment and evaluation;

(ii) affidavits of appropriate individuals;

(iii) applications for insurance and supporting materials; and

(iv) employer records of medical examinations.

(B) CONSENT.—The claimant shall provide consent for the Administrator to obtain such records and documents where required.

(2) REVIEW.—The frequency of review of records and documents submitted under paragraph (1)(A) shall be at the discretion of the Administrator, but shall address at least 5 percent of the claimants asserting status as nonsmokers or ex-smokers.

[(3) CONSENT.—The Administrator may require the performance of blood tests or any other appropriate medical test, such as serum cotinine screening, where claimants assert they are nonsmokers or ex-smokers for purposes of an award under Malignant Level VI, Malignant Level VII, or Malignant Level VIII, or as an exceptional medical claim, the cost of which shall be borne by the Office.]

(3) CONSENT.—

(A) IN GENERAL.—The Administrator may require the performance of blood tests or any other appropriate medical test, where claimants assert they are nonsmokers or ex-smokers for purposes of an award under Malignant Level VI, VII, or VIII, or as an exceptional medical claim, the cost of which shall be paid by the Fund.

(B) SERUM COTININE SCREENING.—The Administrator shall require the performance of serum cotinine screening on all claimants who assert they are nonsmokers or ex-smokers for purposes of an award under Malignant Level VI, VII, or VIII, or as an exceptional medical claim, the cost of which shall be paid by the Fund.

(4) PENALTY FOR FALSE STATEMENTS.—Any false information submitted under this subsection shall be subject to criminal prosecution or civil penalties as provided under section 1348 of title 18, United States Code (as added by this Act) and section 101(c)(2).

(d) PULMONARY FUNCTION TESTING.—The Administrator shall develop auditing procedures for pulmonary function test results submitted as part of a claim, to ensure that such tests are conducted in accordance with American Thoracic Society Criteria, as defined under section 121(a)(13).

Subtitle C—Medical Criteria

SEC. 121. MEDICAL CRITERIA REQUIREMENTS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) ASBESTOSIS DETERMINED BY PATHOLOGY.—The term ''asbestosis determined by pathology'' means indications of asbestosis based on the pathological grading system for asbestosis described in the Special Issues of the Archives of Pathology and Laboratory Medicine, ''Asbestos-associated Diseases'', Vol. 106, No. 11, App. 3 (October 8, 1982).

(2) BILATERAL ASBESTOS-RELATED NONMALIGNANT DISEASE.—The term ''bilateral asbestos-related nonmalignant disease'' means a diagnosis of bilateral asbestos-related nonmalignant disease based on—

(A) an x-ray reading of 1/0 or higher based on the ILO grade scale;

(B) bilateral pleural plaques;

(C) bilateral pleural thickening; or

(D) bilateral pleural calcification.

(3) BILATERAL PLEURAL DISEASE OF B2.—The term ''bilateral pleural disease of B2'' means a chest wall pleural thickening or plaque with a maximum width of at least 5 millimeters and a total length of at least ¼ of the projection of the lateral chest wall.

(4) CERTIFIED B-READER.—The term ''certified B-reader'' means an individual who is certified by the National Institute of Occupational Safety and Health and whose certification by the National Institute of Occupational Safety and Health is up to date.

(5) DIFFUSE PLEURAL THICKENING.—The term ''diffuse pleural thickening'' means blunting of either costophrenic angle and bilateral pleural plaque or bilateral pleural thickening.

(6) DLCO.—The term ''DLCO'' means the single-breath diffusing capacity of the lung (carbon monoxide) technique used to measure the volume of carbon monoxide transferred from the alveoli to blood in the pulmonary capillaries for each unit of driving pressure of the carbon monoxide.

(7) FEV1.—The term ''FEV1'' means forced expiratory volume (1 second), which is the maximal volume of air expelled in 1 second during performance of the spirometric test for forced vital capacity.

(8) FVC.—The term ''FVC'' means forced vital capacity, which is the maximal volume of air expired with a maximally forced effort from a position of maximal inspiration.

(9) ILO GRADE.—The term ''ILO grade'' means the radiological ratings for the presence of lung changes as determined from a chest x-ray, all as established from time to time by the International Labor Organization.

(10) LOWER LIMITS OF NORMAL.—The term ''lower limits of normal'' means the fifth percentile of healthy populations as defined in the American Thoracic Society statement on lung function testing (Amer. Rev. Resp. Disease 1991, 144:1202–1218) and any future revision of the same statement.

(11) NONSMOKER.—The term ''nonsmoker'' means a claimant who—

(A) never smoked; or

(B) has smoked fewer than 100 cigarettes or the equivalent amount of other tobacco products during the claimant's lifetime.

(12) PO_2.—The term ''PO_2'' means the partial pressure (tension) of oxygen, which measures the amount of dissolved oxygen in the blood.

(13) PULMONARY FUNCTION TESTING.—The term ''pulmonary function testing'' means spirometry testing that is in material compliance with the quality criteria established by the American Thoracic Society and is performed on equipment which is in material compliance with the standards of the American Thoracic Society for technical quality and calibration.

(14) SUBSTANTIAL OCCUPATIONAL EXPOSURE TO ASBESTOS.—

(A) IN GENERAL.—The term ''substantial occupational exposure'' means employment in an industry and an occupation where for a substantial portion of a normal work year for that occupation, the claimant—

(i) handled raw asbestos fibers;

(ii) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed to raw asbestos fibers;

(iii) altered, repaired, or otherwise worked with an asbestos-containing product such

that the claimant was exposed on a regular basis to asbestos fibers; or

(iv) worked in close proximity to other workers engaged in the activities described under clause (i), (ii), or (iii), such that the claimant was exposed on a regular basis to asbestos fibers.

(B) REGULAR BASIS.—In this paragraph, the term ''on a regular basis'' means on a frequent or recurring basis.

(15) TLC.—The term ''TLC'' means total lung capacity, which is the total volume of air in the lung after maximal inspiration.

(16) WEIGHTED OCCUPATIONAL EXPOSURE.—

(A) IN GENERAL.—The term ''weighted occupational exposure'' means exposure for a period of years calculated according to the exposure weighting formula under subparagraphs (B) through (E).

(B) MODERATE EXPOSURE.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved working in areas immediate to where asbestos-containing products were being installed, repaired, or removed under circumstances that involved regular airborne emissions of asbestos fibers, shall count as 1 year of substantial occupational exposure.

(C) HEAVY EXPOSURE.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved the direct installation, repair, or removal of asbestos-containing products such that the person was exposed on a regular basis to asbestos fibers, shall count as 2 years of substantial occupational exposure.

(D) VERY HEAVY EXPOSURE.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, was in primary asbestos manufacturing, a World War II shipyard, or the asbestos insulation trades, such that the person was exposed on a regular basis to asbestos fibers, shall count as 4 years of substantial occupational exposure.

(E) DATES OF EXPOSURE.—Each year of exposure calculated under subparagraphs (B), (C), and (D) that occurred before 1976 shall be counted at its full value. Each year from 1976 to 1986 shall be counted as ½ of its value. Each year after 1986 shall be counted as 1/10 of its value.

(F) OTHER CLAIMS.—Individuals who do not meet the provisions of subparagraphs (A) through (E) and believe their post-1976 or post-1986 exposures exceeded the Occupational Safety and Health Administration standard may submit evidence, documentation, work history, or other information to substantiate noncompliance with the Occupational Safety and Health Administration standard (such as lack of engineering or work practice controls, or protective equipment) such that exposures would be equivalent to exposures before 1976 or 1986, or to documented exposures in similar jobs or occupations where control measures had not been implemented. Claims under this subparagraph shall be evaluated on an individual basis by a Physicians Panel.

(b) MEDICAL EVIDENCE.—

(1) LATENCY.—Unless otherwise specified, all diagnoses of an asbestos-related disease for a level under this section shall be accompanied by—

(A) a statement by the physician providing the diagnosis that at least 10 years have elapsed between the date of first exposure to asbestos or asbestos-containing products and the diagnosis; or

(B) a history of the claimant's exposure that is sufficient to establish a 10-year latency period between the date of first exposure to asbestos or asbestos-containing products and the diagnosis.

(2) DIAGNOSTIC GUIDELINES.—All diagnoses of asbestos-related diseases shall be based upon—

(A) for disease Levels I through V, in the case of a claimant who was living at the time the claim was filed—

(i) a physical examination of the claimant by the physician providing the diagnosis;

(ii) an evaluation of smoking history and exposure history before making a diagnosis;

(iii) an x-ray reading by a certified B-reader; and

(iv) pulmonary function testing in the case of disease Levels III, IV, and V;

(B) for disease Levels I through V, in the case of a claimant who was deceased at the time the claim was filed, a report from a physician based upon a review of the claimant's medical records which shall include—

(i) pathological evidence of the nonmalignant asbestos-related disease; or

(ii) an x-ray reading by a certified B-reader;

(C) for disease Levels VI through IX, in the case of a claimant who was living at the time the claim was filed—

(i) a physical examination by the claimant's physician providing the diagnosis; or

(ii) a diagnosis of such a malignant asbestos-related disease, as described in this section, by a board-certified pathologist; and

(D) for disease Levels VI through IX, in the case of a claimant who was deceased at the time the claim was filed—

(i) a diagnosis of such a malignant asbestos-related disease, as described in this section, by a board-certified pathologist; and

(ii) a report from a physician based upon a review of the claimant's medical records.

(3) CREDIBILITY OF MEDICAL EVIDENCE.—To ensure the medical evidence provided in support of a claim is credible and consistent with recognized medical standards, a claimant under this title may be required to submit—

(A) x-rays or computerized tomography;

(B) detailed results of pulmonary function tests;

(C) laboratory tests;

(D) tissue samples;

(E) results of medical examinations;

(F) reviews of other medical evidence; and

(G) medical evidence that complies with recognized medical standards regarding equipment, testing methods, and procedure to ensure the reliability of such evidence as may be submitted.

(c) EXPOSURE EVIDENCE.—

(1) IN GENERAL.—To qualify for any disease level, the claimant shall demonstrate—

(A) a minimum exposure to asbestos or asbestos-containing products;

(B) the exposure occurred in the United States, its territories or possessions, or while a United States citizen, while an employee of an entity organized under any Federal or State law regardless of location, or while a United States citizen while serving on any United States flagged or owned ship, provided the exposure results from such employment or service; and

(C) any additional asbestos exposure requirement under this section.

(2) PROOF OF EXPOSURE.—

(A) AFFIDAVITS.—Exposure to asbestos sufficient to satisfy the exposure requirements for any disease level may be established by an affidavit of—

(i) the claimant; or

(ii) if the claimant is deceased, a co-worker or a family member, if the affidavit of the claimant, co-worker, or family member is found in proceedings under this title to be reasonably reliable, attesting to the claimant's exposure; and is credible and is not contradicted by other evidence.

(B) OTHER PROOF.—Exposure to asbestos may alternatively be established by invoices, construction or other similar records, or any other reasonably reliable evidence.

(3) TAKE-HOME EXPOSURE.—

(A) IN GENERAL.—A claimant may alternatively satisfy the medical criteria requirements of this section where a claim is filed by a person who alleges their exposure to asbestos was the result of living with a person who, if the claim had been filed by that person, would have met the exposure criteria for the given disease level, and the claimant lived with such person for the time period necessary to satisfy the exposure requirement, for the claimed disease level.

(B) REVIEW.—Except for claims for disease Level IX (mesothelioma), all claims alleging take-home exposure shall be submitted as an exceptional medical claim under section 121[(f)]*(g)* for review by a Physicians Panel.

(4) WAIVER FOR WORKERS AND RESIDENTS OF LIBBY, MONTANA.—Because of the unique nature of the asbestos exposure related to the vermiculite mining and milling operations in Libby, Montana, the Administrator shall waive the exposure requirements under this subtitle for individuals who worked at the vermiculite mining and milling facility in Libby, Montana, or lived or worked within a 20-mile radius of Libby, Montana, for at least 12 consecutive months before December 31, 2004. Claimants under this section shall provide such supporting documentation as the Administrator shall require.

(5) EXPOSURE PRESUMPTIONS.—

(A) IN GENERAL.—The Administrator shall prescribe rules identifying specific industries, occupations within such industries, and time periods in which workers employed in those industries or occupations typically had substantial occupational exposure to asbestos as defined under section 121(a). Until 5 years after the Administrator certifies that the Fund is paying claims at a reasonable rate, the industries, occupations and time periods identified by the Administrator shall at a minimum include those identified in the 2002 Trust Distribution Process of the Manville Personal Injury Settlement Trust as of January 1, 2005, as industries, occupations and time periods in which workers were presumed to have had significant occupational exposure to asbestos. Thereafter, the Administrator may by rule modify or eliminate those exposure presumptions required to be adopted from the Manville Personal Injury Settlement Trust, if there is evidence that demonstrates that the typical exposure for workers in such industries and occupations during such time periods did not constitute substantial occupational exposure in asbestos.

(B) CLAIMANTS ENTITLED TO PRESUMPTIONS.—Any claimant who demonstrates through meaningful and credible evidence that such claimant was employed during relevant time periods in industries or occupations identified under subparagraph (A) shall be entitled to a presumption that the claimant had substantial occupational exposure to asbestos during those time periods. That presumption shall not be conclusive, and the Administrator may find that the claimant does not have substantial occupational exposure if other information demonstrates that the claimant did not in fact have substantial occupational exposure during any part of the relevant time periods.

(C) CRITERIA REQUIREMENTS.—Nothing in subparagraphs (A) or (B) shall negate the exposure or medical criteria requirements in section 121, for the purpose of receiving compensation from the Fund.

(6) PENALTY FOR FALSE STATEMENT.—Any false information submitted under this subsection shall be subject to section 1348 of

title 18, United States Code (as added by this Act).

(d) ASBESTOS DISEASE LEVELS.—

(1) NONMALIGNANT LEVEL I.—To receive Level I compensation, a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease; and

(B) evidence of 5 years cumulative occupational exposure to asbestos.

(2) NONMALIGNANT LEVEL II.—To receive Level II compensation, a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater, and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology, or blunting of either costophrenic angle and bilateral pleural plaque or bilateral pleural thickening of at least grade B2 or greater, or bilateral pleural disease of grade B2 or greater;

(B) evidence of TLC less than 80 percent or FVC less than the lower limits of normal, and FEV1/FVC ratio less than 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation, *such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)*, establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question.

(3) NONMALIGNANT LEVEL III.—To receive Level III compensation a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/0 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology, or diffuse pleural thickening, or bilateral pleural disease of B2 or greater;

(B) evidence of TLC less than 80 percent, FVC less than the lower limits of normal and FEV1/FVC ratio greater than or equal to 65 percent, or evidence of a decline in FVC of 20 percent or greater, after allowing for the expected decrease due to aging, and an FEV1/FVC ratio greater than or equal to 65 percent documented with a second spirometry;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation, *such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)*—

(i) establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question; and

(ii) excluding other more likely causes of that pulmonary condition.

(4) NONMALIGNANT LEVEL IV.—To receive Level IV compensation a claimant shall provide—

(A) diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology, or diffuse pleural thickening, or bilateral pleural disease of B2 or greater;

(B) evidence of TLC less than 60 percent or FVC less than 60 percent, and FEV1/FVC ratio greater than or equal to 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos before diagnosis; and

(D) supporting medical documentation, *such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)*—

(i) establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question; and

(ii) excluding other more likely causes of that pulmonary condition.

(5) NONMALIGNANT LEVEL V.—To receive Level V compensation a claimant shall provide—

(A) diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology, or diffuse pleural thickening, or bilateral pleural disease of B2 or greater;

(B)(i) evidence of TLC less than 50 percent or FVC less than 50 percent, and FEV1/FVC ratio greater than or equal to 65 percent;

(ii) DLCO less than 40 percent of predicted, plus a FEV1/FVC ratio not less than 65 percent; or

(iii) PO_2 less than 55 mm/Hg, plus a FEV1/FVC ratio not less than 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation, *such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)*—

(i) establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question; and

(ii) excluding other more likely causes of that pulmonary condition.

(6) MALIGNANT LEVEL VI.—

(A) IN GENERAL.—To receive Level VI compensation a claimant shall provide—

(i) a diagnosis of a primary colorectal, laryngeal, esophageal, pharyngeal, or stomach cancer on the basis of findings by a board certified pathologist;

(ii) evidence of a bilateral asbestos-related nonmalignant disease;

(iii) evidence of 15 or more weighted years of substantial occupational exposure to asbestos; and

(iv) supporting medical documentation, *such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)*, establishing asbestos exposure as a substantial contributing factor in causing the cancer in question.

(B) REFERRAL TO PHYSICIANS PANEL.—All claims filed with respect to Level VI under this paragraph shall be referred to a Physicians Panel for a determination that it is more probable than not that asbestos exposure was a substantial contributing factor in causing the other cancer in question. If the claimant meets the requirements of subparagraph (A), there shall be a presumption of eligibility for the scheduled value of compensation unless there is evidence determined by the Physicians Panel that rebuts that presumption. In making its determination under this subparagraph, the Physicians Panel shall consider the intensity and duration of exposure, smoking history, and the quality of evidence relating to exposure and smoking. Claimants shall bear the burden of producing meaningful and credible evidence of their smoking history as part of their claim submission.

(7) MALIGNANT LEVEL VII.—

(A) IN GENERAL.—To receive Level VII compensation, a claimant shall provide—

(i) a diagnosis of a primary lung cancer disease on the basis of findings by a board certified pathologist;

(ii) evidence of bilateral pleural plaques or bilateral pleural thickening or bilateral pleural calcification *by chest x-ray or such diagnostic methodology supported by the findings of the Institute of Medicine under subsection (f)*;

(iii) evidence of 12 or more weighted years of substantial occupational exposure to asbestos; and

(iv) supporting medical documentation, *such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)*, establishing asbestos exposure as a substantial contributing factor in causing the lung cancer in question.

(B) PHYSICIANS PANEL.—A claimant filing a claim relating to Level VII under this paragraph may request that the claim be referred to a Physicians Panel for a determination of whether the claimant qualifies for the disease category and relevant smoking status. In making its determination under this subparagraph, the Physicians Panel shall consider the intensity and duration of exposure, smoking history, and the quality of evidence relating to exposure and smoking. Claimants shall bear the burden of producing meaningful and credible evidence of their smoking history as part of their claim submission.

(8) MALIGNANT LEVEL VIII.—

(A) IN GENERAL.—To receive Level VIII compensation, a claimant shall provide a diagnosis—

(i) of a primary lung cancer disease on the basis of findings by a board certified pathologist;

(ii)(I) of—

(aa) asbestosis based on a chest x-ray of at least 1/0 on the ILO scale and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones; and

(bb) 10 or more weighted years of substantial occupational exposure to asbestos;

(II) of—

(aa) asbestosis based on a chest x-ray of at least 1/1 on the ILO scale and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones; and

(bb) 8 or more weighted years of substantial occupational exposure to asbestos;

(III) asbestosis determined by pathology and 10 or more weighted years of substantial occupational exposure to asbestos; or

(IV) asbestosis as determined by CT Scan, the cost of which shall not be borne by the Fund. The CT Scan must be interpreted by a board certified radiologist and confirmed by a board certified radiologist; and

(iii) supporting medical documentation, *such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)*, establishing asbestos exposure as a substantial contributing factor in causing the lung cancer in question; and 10 or more weighted years of substantial occupational exposure to asbestos.

(B) PHYSICIANS PANEL.—A claimant filing a claim with respect to Level VIII under this paragraph may request that the claim be referred to a Physicians Panel for a determination of whether the claimant qualifies for the disease category and relevant smoking status. In making its determination under this subparagraph, the Physicians Panel shall consider the intensity and duration of exposure, smoking history, and the quality of evidence relating to exposure and smoking. Claimants shall bear the burden of producing meaningful and credible evidence of their smoking history as part of their claim submission.

(9) MALIGNANT LEVEL IX.—To receive Level IX compensation, a claimant shall provide—

(A) a diagnosis of malignant mesothelioma disease on the basis of findings by a board certified pathologist; and

(B) credible evidence of identifiable exposure to asbestos resulting from—

(i) occupational exposure to asbestos;

(ii) exposure to asbestos fibers brought into the home of the claimant by a worker occupationally exposed to asbestos;

(iii) exposure to asbestos fibers resulting from living or working in the proximate vicinity of a factory, shipyard, building demolition site, or other operation that regularly released asbestos fibers into the air due to operations involving asbestos at that site; or

(iv) other identifiable exposure to asbestos fibers, in which case the claim shall be reviewed by a Physicians Panel under [section 121(f)] *subsection (g)* for a determination of eligibility.

(e) INSTITUTE OF MEDICINE STUDY.—Not later than April 1, 2006, the Institute of Medicine of the National Academy of Sciences shall complete a study contracted with the National Institutes of Health [of the] *to determine whether there is a* causal link between asbestos exposure and other cancers, including colorectal, laryngeal, esophageal, pharyngeal, and stomach cancers, except for mesothelioma and lung cancers. The Institute of Medicine shall issue a report on its findings on causation, which shall be transmitted to Congress, the Administrator, the Advisory Committee on Asbestos Disease Compensation or the Medical Advisory Committee, and the Physicians Panels. The Institute of Medicine report shall be binding on the Administrator and the Physicians Panels for purposes of determining whether asbestos exposure is a substantial contributing factor [under section 121(d)(6)(B).] *in causing the other cancerous disease in question under subsection (d)(6). If asbestos is not a substantial contributing factor to the particular cancerous disease under subsection (d)(6), subsection (d)(6) shall not apply with respect to that disease and no claim may be filed with, or award paid from, the Fund with respect to that disease under malignant Level VI.*

(f) INSTITUTE OF MEDICINE STUDY ON CT SCANS.—

(1) IN GENERAL.—Not later than April 1, 2006, the Institute of Medicine of the National Academy of Sciences shall complete a study contracted with the National Institutes of Health of the use of CT scans as a diagnostic tool for bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification.

(2) FINDINGS.—The Institute of Medicine shall make and issue findings based on the study required under paragraph (1) on whether—

(A) CT scans are generally accepted in the medical profession to detect bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification; and

(B) professional standards of practice exist to allow for the Administrator's reasonable reliance on such as evidence of bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification under the Fund.

(3) REPORT.—The Institute of Medicine shall issue a report on the findings required under paragraph (2), which shall be transmitted to Congress, the Administrator, the Advisory Committee on Asbestos Disease Compensation or the Medical Advisory Committee, and the Physicians Panels.

(4) REPORT BINDING ON THE ADMINISTRATOR.—The Institute of Medicine report required under paragraph (3) shall be binding on the Administrator and the Physicians Panels for purposes of determining reliable and acceptable evidence that may be submitted for a Level VII claim under subsection (d)(7).

[(f)]*(g)* EXCEPTIONAL MEDICAL CLAIMS.—

(1) IN GENERAL.—A claimant who does not meet the medical criteria requirements under this section may apply for designation of the claim as an exceptional medical claim.

(2) APPLICATION.—When submitting an application for review of an exceptional medical claim, the claimant shall—

(A) state that the claim does not meet the medical criteria requirements under this section; or

(B) seek designation as an exceptional medical claim within 60 days after a determination that the claim is ineligible solely for failure to meet the medical criteria requirements under subsection (d).

(3) REPORT OF PHYSICIAN.—

(A) IN GENERAL.—Any claimant applying for designation of a claim as an exceptional medical claim shall support an application filed under paragraph (1) with a report from a physician meeting the requirements of this section.

(B) CONTENTS.—A report filed under subparagraph (A) shall include—

(i) a complete review of the claimant's medical history and current condition;

(ii) such additional material by way of analysis and documentation as shall be prescribed by rule of the Administrator; and

(iii) a detailed explanation as to why the claim meets the requirements of paragraph (4)(B).

(4) REVIEW.—

(A) IN GENERAL.—The Administrator shall refer all applications and supporting documentation submitted under paragraph (2) to a Physicians Panel for review for eligibility as an exceptional medical claim.

(B) STANDARD.—A claim shall be designated as an exceptional medical claim if the claimant, for reasons beyond the control of the claimant, cannot satisfy the requirements under this section, but is able, through comparably reliable evidence that meets the standards under this section, to show that the claimant has an asbestos-related condition that is substantially comparable to that of a medical condition that would satisfy the requirements of a category under this section.

(C) ADDITIONAL INFORMATION.—A Physicians Panel may request additional reasonable testing to support the claimant's application.

(D) CT SCAN.—A claimant may submit a CT Scan in addition to an x-ray.

(5) APPROVAL.—

(A) IN GENERAL.—If the Physicians Panel determines that the medical evidence is sufficient to show a comparable asbestos-related condition, it shall issue a certificate of medical eligibility designating the category of asbestos-related injury under this section for which the claimant shall be eligible to seek compensation.

(B) REFERRAL.—Upon the issuance of a certificate under subparagraph (A), the Physicians Panel shall submit the claim to the Administrator, who shall give due consideration to the recommendation of the Physicians Panel in determining whether the claimant meets the requirements for compensation under this Act.

(6) RESUBMISSION.—Any claimant whose application for designation as an exceptional medical claim is rejected may resubmit an application if new evidence becomes available. The application shall identify any prior applications and state the new evidence that forms the basis of the resubmission.

(7) RULES.—The Administrator shall promulgate rules governing the procedures for seeking designation of a claim as an exceptional medical claim.

(8) LIBBY, MONTANA.—

(A) IN GENERAL.—A Libby, Montana[,] claimant may elect to have the claimant's claims designated as exceptional medical claims and referred to a Physicians Panel for review. In reviewing the medical evidence submitted by a Libby, Montana claimant in support of that claim, the Physicians Panel shall take into consideration the unique and serious nature of asbestos exposure in Libby, Montana, including the nature of the pleural disease related to asbestos exposure in Libby, Montana.

(B) CLAIMS.—For all claims for Levels II through IV filed by Libby, Montana claimants, as described under subsection (c)(4), once the Administrator or the Physicians Panel issues a certificate of medical eligibility to a Libby, Montana claimant, and notwithstanding the disease category designated in the certificate or the eligible disease or condition established in accordance with this section, or the value of the award determined in accordance with section 114, the Libby, Montana claimant shall be entitled to an award that is not less than that awarded to claimants who suffer from asbestosis, Level IV. For all malignant claims filed by Libby, Montana claimants, the Libby, Montana claimant shall be entitled to an award that corresponds to the malignant disease category designated by the Administrator or the Physicians Panel.

(C) EVALUATION OF CLAIMS.—For purposes of evaluating exceptional medical claims from Libby, Montana, a claimant shall be deemed to have a comparable asbestos-related condition to an asbestos disease category Level IV, and shall be deemed to qualify for compensation at Level IV, if the claimant provides—

(i) a diagnosis of bilateral asbestos related nonmalignant disease;

(ii) evidence of TLC or FVC less than 80 percent; and

(iii) supporting medical documentation establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question, and excluding more likely causes of that pulmonary condition.

(9) STUDY OF VERMICULITE PROCESSING FACILITIES.—

(A) IN GENERAL.—As part of the ongoing National Asbestos Exposure Review (in this section referred to as ''NAER'') being conducted by the Agency for Toxic Substances and Disease Registry (in this section referred to as ''ATSDR'') of facilities that received vermiculite ore from Libby, Montana, the ATSDR shall conduct a study of all Phase 1 sites where—

(i) the Environmental Protection Agency has mandated further action at the site on the basis of current contamination; or

(ii) the site was an exfoliation facility that processed roughly 100,000 tons or more of vermiculite from the Libby mine.

(B) STUDY BY ATSDR.—The study by the ATSDR shall evaluate the facilities identified under subparagraph (A) and compare—

(i) the levels of asbestos emissions from such facilities;

(ii) the resulting asbestos contamination in areas surrounding such facilities;

(iii) the levels of exposure to residents living in the vicinity of such facilities;

(iv) the risks of asbestos-related disease to the residents living in the vicinity of such facilities; and

(v) the risk of asbestos-related mortality to residents living in the vicinity of such facilities, to the emissions, contamination, exposures, and risks resulting from the mining of vermiculite ore in Libby, Montana.

(C) RESULTS OF STUDY.—The results of the study required under this paragraph shall be transmitted to the Administrator. If the ATSDR finds as a result of such study that, for any particular facility, the levels of emissions from, the resulting contamination caused by, the levels of exposure to nearby residents from, and the risks of asbestos-related disease and asbestos-related mortality to nearby residents from such facility are substantially equivalent to those of Libby, Montana, then the Administrator shall treat claims from residents surrounding such facilities the same as claims of residents of Libby, Montana, and such residents shall have all the rights of residents of Libby, Montana, under this Act. As part of the results of its study, the ATSDR shall prescribe for any such facility the relevant geographic and temporal criteria under which the exposures and risks to the surrounding residents are substantially equivalent

to those of residents of Libby, Montana, and therefore qualify for treatment under this paragraph.

(10) NATURALLY OCCURRING ASBESTOS.—A claimant who has been exposed to naturally occurring asbestos may file an exceptional medical claim with the Fund.

(h) GUIDELINES FOR CT SCANS.—The Administrator shall commission the American College of Radiology to develop, in consultation with the American Thoracic Society, American College of Chest Physicians, and Institute of Medicine, guidelines and a methodology for the use of CT scans as a diagnostic tool for bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification under the Fund. After development, such guidelines and methodology shall be used for diagnostic purposes under the Fund.

Subtitle D—Awards

SEC. 131. AMOUNT.

(a) IN GENERAL.—An asbestos claimant who meets the requirements of section 111 shall be entitled to an award in an amount determined by reference to the benefit table and the matrices developed under subsection (b).

(b) BENEFIT TABLE.—

(1) IN GENERAL.—An asbestos claimant with an eligible disease or condition established in accordance with section 121 shall be eligible for an award as determined under this subsection. The award for all asbestos claimants with an eligible disease or condition established in accordance with section 121 shall be according to the following schedule:

Level	Scheduled Condition or Disease	Scheduled Value
I	Asbestosis/Pleural Disease A	Medical Monitoring
II	Mixed Disease With Impairment	$25,000
III	Asbestosis/Pleural Disease B	$100,000
IV	Severe Asbestosis	$400,000
V	Disabling Asbestosis	$850,000
VI	Other Cancer	$200,000
VII	Lung Cancer With Pleural Disease	smokers, $300,000; ex-smokers, $725,000; non-smokers, $800,000
VIII	Lung Cancer With Asbestosis	smokers, $600,000; ex-smokers, $975,000; non-smokers, $1,100,000
IX	Mesothelioma	$1,100,000

(2) DEFINITIONS.—In this section—

(A) the term ''nonsmoker'' means a claimant who—

(i) never smoked; or

(ii) has smoked fewer than 100 cigarettes or the equivalent of other tobacco products during the claimant's lifetime; and

(B) the term ''ex-smoker'' means a claimant who has not smoked during any portion of the 12-year period preceding the diagnosis of lung cancer.

(3) LEVEL IX ADJUSTMENTS.—

(A) IN GENERAL.—If the Administrator determines that the impact of all adjustments under this paragraph on the Fund is cost neutral, the Administrator may—

(i) increase awards for Level IX claimants who are less than 51 years of age with dependent children; and

(ii) decrease awards for Level IX claimants who are at least 65 years of age, but in no case shall an award for Level IX be less than $1,000,000.

(B) IMPLEMENTATION.—Before making adjustments under this paragraph, the Administrator shall publish in the Federal Register notice of, and a plan for, making such adjustments.

(4) SPECIAL ADJUSTMENT FOR FELA CASES.—

(A) IN GENERAL.—A claimant who would be eligible to bring a claim under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, but for section 403 of this Act, shall be eligible for a special adjustment under this paragraph.

(B) REGULATIONS.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate regulations relating to special adjustments under this paragraph.

(ii) JOINT PROPOSAL.—Not later than 45 days after the date of enactment of this Act, representatives of railroad management and representatives of railroad labor shall submit to the Administrator a joint proposal for regulations describing the eligibility for and amount of special adjustments under this paragraph. If a joint proposal is submitted, the Administrator shall promulgate regulations that reflect the joint proposal.

(iii) ABSENCE OF JOINT PROPOSAL.—If railroad management and railroad labor are unable to agree on a joint proposal within 45 days after the date of enactment of this Act, the benefits prescribed in subparagraph (E) shall be the benefits available to claimants, and the Administrator shall promulgate regulations containing such benefits.

(iv) REVIEW.—The parties participating in the arbitration may file in the United States District Court for the District of Columbia a petition for review of the Administrator's order. The court shall have jurisdiction to affirm the order of the Administrator, or to set it aside, in whole or in part, or it may remand the proceedings to the Administrator for such further action as it may direct. On such review, the findings and order of the Administrator shall be conclusive on the parties, except that the order of the Administrator may be set aside, in whole or in parts or remanded to the Administrator, for failure of the Administrator to comply with the requirements of this section, for failure of the order to conform, or confine itself, to matters within the scope of the Administrator's jurisdiction, or for fraud or corruption.

(C) ELIGIBILITY.—An individual eligible to file a claim under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, shall be eligible for a special adjustment under this paragraph if such individual meets the criteria set forth in subparagraph (F).

(D) AMOUNT.—

(i) IN GENERAL.—The amount of the special adjustment shall be based on the type and severity of asbestos disease, and shall be 110 percent of the average amount an injured individual with a disease caused by asbestos, as described in section 121(d) of this Act, would have received, during the 5-year period before the enactment of this Act, adjusted for inflation. This adjustment shall be in addition to any other award for which the claimant is eligible under this Act. The amount of the special adjustment shall be reduced by an amount reasonably calculated to take into account all expenses of litigation normally borne by plaintiffs, including attorney's fees.

(ii) LIMITATION.—The amount under clause (i) may not exceed the amount the claimant is eligible to receive before applying the special adjustment under that clause.

(E) ARBITRATED BENEFITS.—If railroad management and railroad labor are unable to agree on a joint proposal within 45 days after the date of enactment of this Act, the Administrator shall appoint an arbitrator to determine the benefits under subparagraph (D). The Administrator shall appoint an arbitrator who shall be acceptable to both railroad management and railroad labor. Railroad management and railroad labor shall each designate their representatives to participate in the arbitration. The arbitrator shall submit the benefits levels to the Administrator not later than 30 days after appointment and such benefits levels shall be based on information provided by rail labor and rail management. The information submitted to the arbitrator by railroad management and railroad labor shall be considered confidential and shall be disclosed to the other party upon execution of an appropriate confidentiality agreement. Unless the submitting party provides written consent, neither the arbitrator nor either party to the arbitration shall divulge to any third party any information or data, in any form, submitted to the arbitrator under this section. Nor shall either party use such information or data for any purpose other than participation in the arbitration proceeding, and each party shall return to the other any information it has received from the other party as soon the arbitration is concluded. Information submitted to the arbitrator may not be admitted into evidence, nor discovered, in any civil litigation in Federal or State court. The nature of the information submitted to the arbitrator shall be within the sole discretion of the submitting party, and the arbitrator may not require a party to submit any particular information, including information subject to a prior confidentiality agreement.

(F) DEMONSTRATION OF ELIGIBILITY.—

(i) IN GENERAL.—A claimant under this paragraph shall be required to demonstrate—

(I) employment of the claimant in the railroad industry;

(II) exposure of the claimant to asbestos as part of that employment; and

(III) the nature and severity of the asbestos-related injury.

(ii) MEDICAL CRITERIA.—In order to be eligible for a special adjustment a claimant shall meet the criteria set forth in section 121 that would qualify a claimant for a payment under Level II or greater.

(5) MEDICAL MONITORING.—An asbestos claimant with asymptomatic exposure, based on the criteria under section 121(d)(1), shall only be eligible for medical monitoring reimbursement as provided under section 132.

(6) COST-OF-LIVING ADJUSTMENT.—

(A) IN GENERAL.—Beginning January 1, 2007, award amounts under paragraph (1) shall be annually increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment, rounded to the nearest $1,000 increment.

(B) CALCULATION OF COST-OF-LIVING ADJUSTMENT.—For the purposes of subparagraph (A), the cost-of-living adjustment for any calendar year shall be the percentage, if any, by which the consumer price index for the succeeding calendar year exceeds the consumer price index for calendar year 2005.

(C) CONSUMER PRICE INDEX.—

(i) IN GENERAL.—For the purposes of subparagraph (B), the consumer price index for any calendar year is the average of the consumer price index as of the close of the 12-month period ending on August 31 of such calendar year.

(ii) DEFINITION.—For purposes of clause (i), the term ''consumer price index'' means the consumer price index published by the Department of Labor. The consumer price index series to be used for award escalations shall include the consumer price index used for all-urban consumers, with an area coverage of the United States city average, for all items, based on the 1982–1984 index based period, as published by the Department of Labor.

SEC. 132. MEDICAL MONITORING.

(a) RELATION TO STATUTE OF LIMITATIONS.—The filing of a claim under this Act that

seeks reimbursement for medical monitoring shall not be considered as evidence that the claimant has discovered facts that would otherwise commence the period applicable for purposes of the statute of limitations under section 113(b).

(b) COSTS.—Reimbursable medical monitoring costs shall include the costs of a claimant not covered by health insurance for an examination by the claimant's physician, x-ray tests, and pulmonary function tests every 3 years.

(c) REGULATIONS.—The Administrator shall promulgate regulations that establish—

(1) the reasonable costs for medical monitoring that is reimbursable; and

(2) the procedures applicable to asbestos claimants.

SEC. 133. PAYMENT.

(a) STRUCTURED PAYMENTS.—

(1) IN GENERAL.—An asbestos claimant who is entitled to an award should receive the amount of the award through structured payments from the Fund, made over a period of 3 years, and in no event more than 4 years after the date of final adjudication of the claim.

(2) PAYMENT PERIOD AND AMOUNT.—There shall be a presumption that any award paid under this subsection shall provide for payment of—

(A) 40 percent of the total amount in year 1;

(B) 30 percent of the total amount in year 2; and

(C) 30 percent of the total amount in year 3.

(3) EXTENSION OF PAYMENT PERIOD.—

(A) IN GENERAL.—The Administrator shall develop guidelines to provide for the payment period of an award under subsection (a) to be extended to a 4-year period if such action is warranted in order to preserve the overall solvency of the Fund. Such guidelines shall include reference to the number of claims made to the Fund and the awards made and scheduled to be paid from the Fund as provided under section 405.

(B) LIMITATIONS.—In no event shall less than 50 percent of an award be paid in the first 2 years of the payment period under this subsection.

(4) [ACCELERATED] *LUMP-SUM* payments.—

(A) IN GENERAL.—The Administrator shall develop guidelines to provide for [accelerated payments] *1 lump-sum payment* to asbestos claimants who are mesothelioma victims and who are alive on the date on which the Administrator receives notice of the eligibility of the claimant. [Such payments shall be credited against the first regular payment under the structured payment plan for the claimant.]

(B) TIMING OF PAYMENTS.—Lump-sum payments shall be made within the shorter of—

(i) not later than 30 days after the date the claim is approved by the Administrator; or

(ii) not later than 6 months after the date the claim is filed.

(C) TIMING OF PAYMENTS TO BE ADJUSTED WITH RESPECT TO SOLVENCY OF THE FUND.—If the Administrator determines that solvency of the Fund would be severely harmed by the timing of the payments required under subparagraph (B), the time for such payments may be extended to the shorter of—

(i) not later than 6 months after the date the claim is approved by the Administrator; or

(ii) not later than 11 months after the date the claim is filed.

(5) EXPEDITED PAYMENTS.—

(A) IN GENERAL.—The Administrator shall develop guidelines to provide for expedited payments to asbestos claimants in cases of exigent [circumstances or extreme hardship caused by asbestos-related injury.] *health claims as described under section 106(c)(2)(B) and (C).*

(B) TIMING OF PAYMENTS.—Total payments shall be made within the shorter of—

(i) not later than 6 months after the date the claim is approved by the Administrator; or

(ii) not later than 1 year after the date the claim is filed.

(C) TIMING OF PAYMENTS TO BE ADJUSTED WITH RESPECT TO SOLVENCY OF THE FUND.— If the Administrator determines that solvency of the Fund would be severely harmed by the timing of the payments required under subparagraph (B), the time for such payments may be extended to the shorter of—

(i) not later than 1 year after the date the claim is approved by the Administrator; or

(ii) not later than 2 years after the date the claim is filed.

(6) ANNUITY.—An asbestos claimant may elect to receive any payments to which that claimant is entitled under this title in the form of an annuity.

(b) LIMITATION ON TRANSFERABILITY.—A claim filed under this Act shall not be assignable or otherwise transferable under this Act.

(c) CREDITORS.—An award under this title shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, and such exemption may not be waived.

(d) MEDICARE AS SECONDARY PAYER.—No award under this title shall be deemed a payment for purposes of section 1862 of the Social Security Act (42 U.S.C. 1395y).

(e) EXEMPT PROPERTY IN ASBESTOS CLAIMANT'S BANKRUPTCY CASE.—If an asbestos claimant files a petition for relief under section 301 of title 11, United States Code, no award granted under this Act shall be treated as property of the bankruptcy estate of the asbestos claimant in accordance with section 541(b)(6) of title 11, United States Code.

(f) EFFECT OF PAYMENT.—The full payment of an asbestos claim under this section shall be in full satisfaction of such claim and shall be deemed to operate as a release to such claim. No claimant with an asbestos claim that has been fully paid under this section may proceed in the tort system with respect to such claim.

SEC. 134. [REDUCTION IN BENEFIT PAYMENTS FOR COLLATERAL SOURCES.] *SETOFFS FOR COLLATERAL SOURCE COMPENSATION AND PRIOR AWARDS.*

(a) IN GENERAL.—The amount of an award otherwise available to an asbestos claimant under this title shall be reduced by the amount of *any* collateral source compensation *and by any amounts paid or to be paid to the claimant for a prior award under this Act.*

(b) EXCLUSIONS.—

(1) COLLATERAL SOURCE COMPENSATION.—In no case shall statutory benefits under workers' compensation laws, special adjustments made under section 131(b)(3), occupational or total disability benefits under the Railroad Retirement Act (45 U.S.C. 201 et seq.), sickness benefits under the Railroad Unemployment Insurance Act (45 U.S.C 351 et seq.), and veterans' benefits programs be deemed as collateral source compensation for purposes of this section.

(2) PRIOR AWARD PAYMENTS.—Any amounts paid or to be paid for a prior claim for a nonmalignant disease (Levels I through V) filed against the Fund shall not be deducted as a setoff against amounts payable for the second injury claims for a malignant disease (Levels VI through IX), unless the malignancy was diagnosed before the date on which the nonmalignancy claim was compensated.

SEC. 135. CERTAIN CLAIMS NOT AFFECTED BY PAYMENT OF AWARDS.

(a) IN GENERAL.—The payment of an award under section 106 or 133 shall not be considered a form of compensation or reimbursement for a loss for purposes of imposing liability on any asbestos claimant receiving such payment to repay any—

(1) insurance carrier for insurance payments; or

(2) person or governmental entity on account of worker's compensation, health care, or disability payments.

(b) NO EFFECT ON CLAIMS.—The payment of an award to an asbestos claimant under section 106 or 133 shall not affect any claim of an asbestos claimant against—

(1) an insurance carrier with respect to insurance; or

(2) against any person or governmental entity with respect to worker's compensation, healthcare, or disability.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

SEC. 201. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) AFFILIATED GROUP.—The term ''affiliated group''—

(A) means a defendant participant that is an ultimate parent and any person whose entire beneficial interest is directly or indirectly owned by that ultimate parent on the date of enactment of this Act; and

(B) shall not include any person that is a debtor or any direct or indirect majority-owned subsidiary of a debtor.

(2) CLASS ACTION TRUST.—The term ''class action trust'' means a trust or similar entity established to hold assets for the payment of asbestos claims asserted against a debtor or participating defendant, under a settlement that—

(A) is a settlement of class action claims under rule 23 of the Federal Rules of Civil Procedure; and

(B) has been approved by a final judgment of a United States district court before the date of enactment of this Act.

(3) DEBTOR.—The term ''debtor''—

(A) means—

(i) a person that is subject to a case pending under a chapter of title 11, United States Code, on the date of enactment of this Act or at any time during the 1-year period immediately preceding that date, irrespective of whether the debtor's case under that title has been dismissed; and

(ii) all of the direct or indirect majority-owned subsidiaries of a person described under clause (i), regardless of whether any such majority-owned subsidiary has a case pending under title 11, United States Code; and

(B) shall not include an entity—

(i) subject to chapter 7 of title 11, United States Code, if a final decree closing the estate shall have been entered before the date of enactment of this Act; or

(ii) subject to chapter 11 of title 11, United States Code, if a plan of reorganization for such entity shall have been confirmed by a duly entered order or judgment of a court that is no longer subject to any appeal or judicial review, and the substantial consummation, as such term is defined in section 1101(2) of title 11, United States Code, of such plan of reorganization has occurred.

(4) INDEMNIFIABLE COST.—The term ''indemnifiable cost'' means a cost, expense, debt, judgment, or settlement incurred with respect to an asbestos claim that, at any time before December 31, 2002, was or could have been subject to indemnification, contribution, surety, or guaranty.

(5) INDEMNITEE.—The term ''indemnitee'' means a person against whom any asbestos claim has been asserted before December 31, 2002, who has received from any other person, or on whose behalf a sum has been paid by such other person to any third person, in settlement, judgment, defense, or indemnity

in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, other than under a policy of insurance or reinsurance.

(6) INDEMNITOR.—The term ''indemnitor'' means a person who has paid under a written agreement at any time before December 31, 2002, a sum in settlement, judgment, defense, or indemnity to or on behalf of any person defending against an asbestos claim, in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, except that payments by an insurer or reinsurer under a contract of insurance or reinsurance shall not make the insurer or reinsurer an indemnitor for purposes of this subtitle.

(7) PRIOR ASBESTOS EXPENDITURES.—The term ''prior asbestos expenditures''—

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims against that person;

(B) includes payments made by insurance carriers to or for the benefit of such person or on such person's behalf with respect to such asbestos claims, except as provided in section 204(g);

(C) shall not include any payment made by a person in connection with or as a result of changes in insurance reserves required by contract or any activity or dispute related to insurance coverage matters for asbestos-related liabilities; and

(D) shall not include any payment made by or on behalf of persons who are or were common carriers by railroad for asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, as a result of operations as a common carrier by railroad, including settlement, judgment, defense, or indemnity costs associated with these claims.

(8) TRUST.—The term ''trust'' means any trust, as described in sections 524(g)(2)(B)(i) or 524(h) of title 11, United States Code, or established in conjunction with an order issued under section 105 of title 11, United States Code, established or formed under the terms of a chapter 11 plan of reorganization, which in whole or in part provides compensation for asbestos claims.

(9) ULTIMATE PARENT.—The term ''ultimate parent'' means a person—

(A) that owned, as of December 31, 2002, the entire beneficial interest, directly or indirectly, of at least 1 other person; and

(B) whose entire beneficial interest was not owned, on December 31, 2002, directly or indirectly, by any other single person (other than a natural person).

SEC. 202. AUTHORITY AND TIERS.

(a) LIABILITY FOR PAYMENTS TO THE FUND.—

(1) IN GENERAL.—Defendant participants shall be liable for payments to the Fund in accordance with this section based on tiers and subtiers assigned to defendant participants.

(2) AGGREGATE PAYMENT OBLIGATIONS LEVEL.—The total payments required of all defendant participants over the life of the Fund shall not exceed a sum equal to $90,000,000,000 less any bankruptcy trust credits under section 222[(e)]*(d)*. The Administrator shall have the authority to allocate the payments required of the defendant participants among the tiers as provided in this title.

(3) ABILITY TO ENTER REORGANIZATION.—Notwithstanding any other provision of this Act, all debtors that, together with all of their direct or indirect majority-owned subsidiaries, have prior asbestos expenditures less than $1,000,000 may proceed with the filing, solicitation, and confirmation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction under section 524(g) of title 11, United States Code. Any asbestos claim made in conjunction with a plan of reorganization allowable under the preceding sentence shall be subject to section 403(d) of this Act.

(b) TIER I.—Tier I shall include all debtors that, together with all of their direct or indirect majority-owned subsidiaries, have prior asbestos expenditures greater than $1,000,000.

(c) TREATMENT OF TIER I BUSINESS ENTITIES IN BANKRUPTCY.—

(1) DEFINITION.—

(A) IN GENERAL.—In this subsection, the term ''bankrupt business entity'' means a person that is not a natural person that—

(i) filed a petition for relief under chapter 11, of title 11, United States Code, before January 1, 2003;

(ii) has not substantially consummated, as such term is defined under section 1101(2) of title 11, United States Code, a plan of reorganization as of the date of enactment of this Act; and

(iii) the bankruptcy court presiding over the business entity's case determines, after notice and a hearing upon motion filed by the entity within 30 days after the date of enactment of this Act, that asbestos liability was not the sole or precipitating cause of the entity's chapter 11 filing.

(B) MOTION AND RELATED MATTERS.—A motion under subparagraph (A)(iii) shall be supported by—

(i) an affidavit or declaration of the chief executive officer, chief financial officer, or chief legal officer of the business entity; and

(ii) copies of the entity's public statements and securities filings made in connection with the entity's filing for chapter 11 protection.

Notice of such motion shall be as directed by the bankruptcy court, and the hearing shall be limited to consideration of the question of whether or not asbestos liability was the sole or precipitating cause of the entity's chapter 11 filing. The bankruptcy court shall hold a hearing and make its determination with respect to the motion within 60 days after the date the motion is filed. In making its determination, the bankruptcy court shall take into account the affidavits, public statements, and securities filings, and other information, if any, submitted by the entity and all other facts and circumstances presented by an objecting party. Any review of this determination shall be an expedited appeal and limited to whether the decision was against the weight of the evidence. Any appeal of a determination shall be an expedited review to the United States Circuit Court of Appeals for the circuit in which the bankruptcy is filed.

(2) PROCEEDING WITH REORGANIZATION PLAN.—A bankrupt business entity may proceed with the filing, solicitation, confirmation, and consummation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction described in section 524(g) of title 11, United States Code, notwithstanding any other provisions of this Act, if the bankruptcy court makes a favorable determination under paragraph (1)(B), unless the bankruptcy court's determination is overruled on appeal and all appeals are final. Such a bankrupt business entity may continue to so proceed, if—

(A) on request of a party in interest or on a motion of the court, and after a notice and a hearing, the bankruptcy court presiding over the chapter 11 case of the bankrupt business entity determines that[—

[(i) confirmation is necessary to permit the reorganization of that entity and assure that all creditors and that entity are treated fairly and equitably; and

[(ii) confirmation is clearly favored by the balance of the equities; and]

such confirmation is required to avoid the liquidation or the need for further financial reorganization of that entity; and

(B) an order confirming the plan of reorganization is entered by the bankruptcy court within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown.

(3) APPLICABILITY.—If the bankruptcy court does not make the determination required under paragraph (2), or if an order confirming the plan is not entered within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown, the provisions of this Act shall apply to the bankrupt business entity notwithstanding the certification. Any timely appeal under title 11, United States Code, from a confirmation order entered during the applicable time period shall automatically extend the time during which this Act is inapplicable to the bankrupt business entity, until the appeal is fully and finally resolved.

(4) OFFSETS.—

(A) PAYMENTS BY INSURERS.—To the extent that a bankrupt business entity or debtor successfully confirms a plan of reorganization, including a trust, and channeling injunction that involves payments by insurers who are otherwise subject to this Act as described under section 524(g) of title 11, United States Code, an insurer who makes payments to the trust shall obtain a dollar-for-dollar reduction in the amount otherwise payable by that insurer under this Act to the Fund.

(B) CONTRIBUTIONS TO FUND.—Any cash payments by a bankrupt business entity, if any, to a trust described under section 524(g) of title 11, United States Code, may be counted as a contribution to the Fund.

(d) TIERS II THROUGH VI.—Except as provided in section 204 and subsection (b) of this section, persons or affiliated groups are included in Tier II, III, IV, V, or VI, according to the prior asbestos expenditures paid by such persons or affiliated groups as follows:

(1) Tier II: $75,000,000 or greater.

(2) Tier III: $50,000,000 or greater, but less than $75,000,000.

(3) Tier IV: $10,000,000 or greater, but less than $50,000,000.

(4) Tier V: $5,000,000 or greater, but less than $10,000,000.

(5) Tier VI: $1,000,000 or greater, but less than $5,000,000.

(e) TIER PLACEMENT AND COSTS.—

(1) PERMANENT TIER PLACEMENT.—After a defendant participant or affiliated group is assigned to a tier and subtier under section 204(i)(6), the participant or affiliated group shall remain in that tier and subtier throughout the life of the Fund, regardless of subsequent events, including—

(A) the filing of a petition under a chapter of title 11, United States Code;

(B) a discharge of debt in bankruptcy;

(C) the confirmation of a plan of reorganization; or

(D) the sale or transfer of assets to any other person or affiliated group, unless the Administrator finds that the information submitted by the participant or affiliated group to support its inclusion in that tier was inaccurate.

(2) COSTS.—Payments to the Fund by all persons that are the subject of a case under a chapter of title 11, United States Code, after the date of enactment of this Act—

(A) shall constitute costs and expenses of administration of the case under section 503 of title 11, United States Code, and shall be

payable in accordance with the payment provisions under this subtitle notwithstanding the pendency of the case under that title 11;

(B) shall not be stayed or affected as to enforcement or collection by any stay or injunction power of any court; and

(C) shall not be impaired or discharged in any current or future case under title 11, United States Code.

(f) SUPERSEDING PROVISIONS.—

(1) IN GENERAL.—All of the following shall be superseded in their entireties by this Act:

(A) The treatment of any asbestos claim in any plan of reorganization with respect to any debtor included in Tier I.

(B) Any asbestos claim against any debtor included in Tier I.

(C) Any agreement, understanding, or undertaking by any such debtor or any third party with respect to the treatment of any asbestos claim filed in a debtor's bankruptcy case or with respect to a debtor before the date of enactment of this Act, whenever such debtor's case is either still pending, if such case is pending under a chapter other than chapter 11 of title 11, United States Code, or subject to confirmation or substantial consummation of a plan of reorganization under chapter 11 of title 11, United States Code.

(2) PRIOR AGREEMENTS OF NO EFFECT.—Notwithstanding section 403(c)(3), any plan of reorganization, agreement, understanding, or undertaking by any debtor (including any pre-petition agreement, understanding, or undertaking that requires future performance) or any third party under paragraph (1), and any agreement, understanding, or undertaking entered into in anticipation, contemplation, or furtherance of a plan of reorganization, to the extent it relates to any asbestos claim, shall be of no force or effect, and no person shall have any right or claim with respect to any such agreement, understanding, or undertaking.

SEC. 203. SUBTIERS.

(a) IN GENERAL.—

(1) SUBTIER LIABILITY.—Except as otherwise provided under subsections (b), (d), and (l) of section 204, persons or affiliated groups shall be included within Tiers I through VII and shall pay amounts to the Fund in accordance with this section.

(2) REVENUES.—

(A) IN GENERAL.—For purposes of this section, revenues shall be determined in accordance with generally accepted accounting principles, consistently applied, using the amount reported as revenues in the annual report filed with the Securities and Exchange Commission in accordance with the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) for the most recent fiscal year ending on or before December 31, 2002. If the defendant participant or affiliated group does not file reports with the Securities and Exchange Commission, revenues shall be the amount that the defendant participant or affiliated group would have reported as revenues under the rules of the Securities and Exchange Commission in the event that it had been required to file.

(B) INSURANCE PREMIUMS.—Any portion of revenues of a defendant participant that is derived from insurance premiums shall not be used to calculate the payment obligation of that defendant participant under this subtitle.

(C) DEBTORS.—Each debtor's revenues shall include the revenues of the debtor and all of the direct or indirect majority-owned subsidiaries of that debtor, except that the pro forma revenues of a person that is included in Subtier 2 of Tier I shall not be included in calculating the revenues of any debtor that is a direct or indirect majority owner of such Subtier 2 person. If a debtor or affiliated group includes a person in respect of whose liabilities for asbestos claims a class action trust has been established, there shall be excluded from the 2002 revenues of such debtor or affiliated group—

(i) all revenues of the person in respect of whose liabilities for asbestos claims the class action trust was established; and

(ii) all revenues of the debtor and affiliated group attributable to the historical business operations or assets of such person, regardless of whether such business operations or assets were owned or conducted during the year 2002 by such person or by any other person included within such debtor and affiliated group.

(b) TIER I SUBTIERS.—

(1) IN GENERAL.—Each debtor in Tier I shall be included in subtiers and shall pay amounts to the Fund as provided under this section.

(2) SUBTIER 1.—

(A) IN GENERAL.—All persons that are debtors with prior asbestos expenditures of $1,000,000 or greater, shall be included in Subtier 1.

(B) PAYMENT.—

(i) IN GENERAL.—Each debtor included in Subtier 1 shall pay on an annual basis 1.67024 percent of the debtor's 2002 revenues.

(ii) EXCEPTION TO PAYMENT PERCENTAGE.—Notwithstanding clause (i), a debtor in Subtier 1 shall pay, on an annual basis, $500,000 if—

(I) such debtor, including its direct or indirect majority-owned subsidiaries, has less than $10,000,000 in prior asbestos expenditures;

(II) at least 95 percent of such debtors revenues derive from the provision of engineering and construction services; and

(III) such debtor, including its direct or indirect majority-owned subsidiaries, never manufactured, sold, or distributed asbestos-containing products in the stream of commerce.

(C) OTHER ASSETS.—The Administrator, at the sole discretion of the Administrator, may allow a Subtier 1 debtor to satisfy its funding obligation under this paragraph with assets other than cash if the Administrator determines that requiring an all-cash payment of the debtor's funding obligation would render the debtor's reorganization infeasible.

(D) LIABILITY.—

(i) IN GENERAL.—If a person who is subject to a case pending under a chapter of title 11, United States Code, as defined in section 201(3)(A)(i), does not pay when due any payment obligation for the debtor, the Administrator shall have the right to seek payment of all or any portion of the entire amount due (as well as any other amount for which the debtor may be liable under sections 223 and 224) from any of the direct or indirect majority-owned subsidiaries under section 201(3)(A)(ii).

(ii) CAUSE OF ACTION.—Notwithstanding section 221(e), this Act shall not preclude actions among persons within a debtor under section 201(3)(A) (i) and (ii) with respect to the payment obligations under this Act.

(iii) RIGHT OF CONTRIBUTION.—

(I) IN GENERAL.—Notwithstanding any other provision of this Act, if a direct or indirect majority-owned foreign subsidiary of a debtor participant (with such relationship to the debtor participant as determined on the date of enactment of this Act) is or becomes subject to any foreign insolvency proceedings, and such foreign direct or indirect-majority owned subsidiary is liquidated in connection with such foreign insolvency proceedings (or if the debtor participant's interest in such foreign subsidiary is otherwise canceled or terminated in connection with such foreign insolvency proceedings), the debtor participant shall have a claim against such foreign subsidiary or the estate of such foreign subsidiary in an amount equal to the greater of—

(aa) the estimated amount of all current and future asbestos liabilities against such foreign subsidiary; or

(bb) the foreign subsidiary's allocable share of the debtor participant's funding obligations to the Fund as determined by such foreign subsidiary's allocable share of the debtor participant's 2002 gross revenue.

(II) DETERMINATION OF CLAIM AMOUNT.—The claim amount under subclause (I) (aa) or (bb) shall be determined by a court of competent jurisdiction in the United States.

(III) EFFECT ON PAYMENT OBLIGATION.—The right to, or recovery under, any such claim shall not reduce, limit, delay, or otherwise affect the debtor participant's payment obligations under this Act.

(iv) MAXIMUM ANNUAL PAYMENT OBLIGATION.—Subject to any payments under sections 204(l) and 222[(d)]*(c)*, and paragraphs (3), (4), and (5) of this subsection, the annual payment obligation by a debtor under subparagraph (B) of this paragraph shall not exceed $80,000,000.

(3) SUBTIER 2.—

(A) IN GENERAL.—Notwithstanding paragraph (2), all persons that are debtors that have no material continuing business operations, *other than class action trusts under paragraph (6)*, but hold cash or other assets that have been allocated or earmarked for the settlement of asbestos claims shall be included in Subtier 2.

(B) ASSIGNMENT OF ASSETS.—Not later than 90 days after the date of enactment of this Act, each person included in Subtier 2 shall assign all of its *unencumbered* assets to the Fund.

(4) SUBTIER 3.—

(A) IN GENERAL.—Notwithstanding paragraph (2), all persons that are debtors other than those included in Subtier 2, which have no material continuing business operations and no cash or other assets allocated or earmarked for the settlement of any asbestos claim, shall be included in Subtier 3.

(B) ASSIGNMENT OF UNENCUMBERED ASSETS.—Not later than 90 days after the date of enactment of this Act, each person included in Subtier 3 shall contribute an amount equal to 50 percent of its total unencumbered assets.

[(C) CALCULATION OF UNENCUMBERED ASSETS.—Unencumbered assets shall be calculated as the Subtier 3 person's total assets, excluding insurance-related assets, less—

(i) all allowable administrative expenses;

(ii) allowable priority claims under section 507 of title 11, United States Code; and

(iii) allowable secured claims.]

(5) CALCULATION OF UNENCUMBERED ASSETS.—Unencumbered assets shall be calculated as the Subtier 3 person's total assets, excluding insurance-related assets, jointly held, in trust or otherwise, with a defendant participant, less—

(A) all allowable administrative expenses;

(B) allowable priority claims under section 507 of title 11, United States Code; and

(C) allowable secured claims.

[(5)]*(6)* CLASS ACTION TRUST.—The assets of any class action trust that has been established in respect of the liabilities for asbestos claims of any person included within a debtor and affiliated group that has been included in Tier I (exclusive of any assets needed to pay previously incurred expenses and asbestos claims within the meaning of section 403(d)(1), before the date of enactment of this Act) shall be transferred to the Fund not later than [6 months] *60 days* after the date of enactment of this Act.

(c) TIER II SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier II shall be included in 1 of the 5 subtiers of Tier II, based on the person's or affiliated group's revenues. Such subtiers

shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) PAYMENTS.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $27,500,000.

(B) Subtier 2: $24,750,000.

(C) Subtier 3: $22,000,000.

(D) Subtier 4: $19,250,000.

(E) Subtier 5: $16,500,000.

(d) TIER III SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier III shall be included in 1 of the 5 subtiers of Tier III, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) PAYMENTS.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $16,500,000.

(B) Subtier 2: $13,750,000.

(C) Subtier 3: $11,000,000.

(D) Subtier 4: $8,250,000.

(E) Subtier 5: $5,500,000.

(e) TIER IV SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier IV shall be included in 1 of the 4 subtiers of Tier IV, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 4. Those persons or affiliated groups with the highest revenues among those remaining will be included in Subtier 2 and the rest in Subtier 3.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $3,850,000.

(B) Subtier 2: $2,475,000.

(C) Subtier 3: $1,650,000.

(D) Subtier 4: $550,000.

(f) TIER V SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier V shall be included in 1 of the 3 subtiers of Tier V, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $1,000,000.

(B) Subtier 2: $500,000.

(C) Subtier 3: $200,000.

(g) TIER VI SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier VI shall be included in 1 of the 3 subtiers of Tier VI, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $500,000.

(B) Subtier 2: $250,000.

(C) Subtier 3: $100,000.

(3) OTHER PAYMENT FOR CERTAIN PERSONS AND AFFILIATED GROUPS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, and if an adjustment authorized by this subsection does not impair the overall solvency of the Fund, any person or affiliated group within Tier VI whose required subtier payment in any given year would exceed such person's or group's average annual expenditure on settlements, and judgments of asbestos disease-related claims over the 8 years before the date of enactment of this Act shall make the payment required of the immediately lower subtier or, if the person's or group's average annual expenditures on settlements and judgments over the 8 years before the date of enactment of this Act is less than $100,000, shall not be required to make a payment under this Act.

(B) NO FURTHER ADJUSTMENT.—Any person or affiliated group that receives an adjustment under this paragraph shall not be eligible to receive any further adjustment under section 204(d).

(h) TIER VII.—

(1) IN GENERAL.—Notwithstanding prior asbestos expenditures that might qualify a person or affiliated group to be included in Tiers II, III, IV, V, or VI, a person or affiliated group shall also be included in Tier VII, if the person or affiliated group—

(A) is or has at any time been subject to asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, as a result of operations as a common carrier by railroad; and

(B) has paid (including any payments made by others on behalf of such person or affiliated group) not less than $5,000,000 in settlement, judgment, defense, or indemnity costs relating to such claims.

(2) ADDITIONAL AMOUNT.—The payment requirement for persons or affiliated groups included in Tier VII shall be in addition to any payment requirement applicable to such person or affiliated group under Tiers II through VI.

(3) SUBTIER 1.—Each person or affiliated group in Tier VII with revenues of $6,000,000,000 or more is included in Subtier 1 and shall make annual payments of $11,000,000 to the Fund.

(4) SUBTIER 2.—Each person or affiliated group in Tier VII with revenues of less than $6,000,000,000, but not less than $4,000,000,000 is included in Subtier 2 and shall make annual payments of $5,500,000 to the Fund.

(5) SUBTIER 3.—Each person or affiliated group in Tier VII with revenues of less than $4,000,000,000, but not less than $500,000,000 is included in Subtier 3 and shall make annual payments of $550,000 to the Fund.

(6) JOINT VENTURE REVENUES AND LIABILITY.—

(A) REVENUES.—For purposes of this subsection, the revenues of a joint venture shall be included on a pro rata basis reflecting relative joint ownership to calculate the revenues of the parents of that joint venture. The joint venture shall not be responsible for a contribution amount under this subsection.

(B) LIABILITY.—For purposes of this subsection, the liability under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, shall be attributed to the parent owners of the joint venture on a pro rata basis, reflecting their relative share of ownership. The joint venture shall not be responsible for a payment amount under this provision.

SEC. 204. ASSESSMENT ADMINISTRATION.

(a) IN GENERAL.—Each defendant participant or affiliated group shall pay to the Fund in the amounts provided under this subtitle as appropriate for its tier and subtier each year until the earlier to occur of the following:

(1) The participant or affiliated group has satisfied its obligations under this subtitle during the 30 annual payment cycles of the operation of the Fund.

(2) The amount received by the Fund from defendant participants, excluding any amounts rebated to defendant participants under [subsection (d)] *subsections (d) and (m)*, equals the maximum aggregate payment obligation of section 202(a)(2).

(b) SMALL BUSINESS EXEMPTION.—Notwithstanding any other provision of this subtitle, a person or affiliated group that is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), on December 31, 2002, is exempt from any payment requirement under this subtitle and shall not be included in the subtier allocations under section 203.

(c) PROCEDURES.—The Administrator shall prescribe procedures on how amounts payable under this subtitle are to be paid, including, to the extent the Administrator determines appropriate, procedures relating to payment in installments.

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Under expedited procedures established by the Administrator, a defendant participant may seek adjustment of the amount of its payment obligation based on severe financial hardship or demonstrated inequity. The Administrator may determine whether to grant an adjustment and the size of any such adjustment, in accordance with this subsection. A defendant participant has a right to obtain a rehearing of the Administrator's determination under this subsection under the procedures prescribed in subsection (i)(10). The Administrator may adjust a defendant participant's payment obligations under this subsection, either by forgiving the relevant portion of the otherwise applicable payment obligation or by providing relevant rebates from the defendant hardship and inequity adjustment account created under subsection (j) after payment of the otherwise applicable payment obligation, at the discretion of the Administrator.

(2) FINANCIAL HARDSHIP ADJUSTMENTS.—

(A) IN GENERAL.—A defendant participant may apply for an adjustment based on financial hardship at any time during the period in which a payment obligation to the Fund remains outstanding and may qualify for such adjustment by demonstrating that the amount of its payment obligation under the statutory allocation would constitute a severe financial hardship.

(B) TERM.—Subject to the annual availability of funds in the defendant hardship and inequity adjustment account established under subsection (j), a financial hardship adjustment under this subsection shall have a term of 3 years.

(C) RENEWAL.—After an initial hardship adjustment is granted under this paragraph, a defendant participant may renew its hardship adjustment by demonstrating that it remains justified.

(D) REINSTATEMENT.—Following the expiration of the hardship adjustment period provided for under this section and during the funding period prescribed under subsection (a), the Administrator shall annually determine whether there has been a material change in the financial condition of the defendant participant such that the Administrator may, consistent with the policies and legislative intent underlying this Act, reinstate under terms and conditions established by the Administrator any part or all of the defendant participant's payment obligation under the statutory allocation that was not paid during the hardship adjustment term.

(3) INEQUITY ADJUSTMENTS.—

(A) IN GENERAL.—A defendant participant—

(i) may qualify for an adjustment based on inequity by demonstrating that the amount of its payment obligation under the statutory allocation is exceptionally inequitable—

(I) when measured against the amount of the likely cost to the defendant participant net of insurance of its future liability in the tort system in the absence of the Fund;

(II) when compared to the median payment rate for all defendant participants in the same tier; or

(III) when measured against the percentage of the prior asbestos expenditures of the defendant that were incurred with respect to claims that neither resulted in an adverse judgment against the defendant, nor were the subject of a settlement that required a payment to a plaintiff by or on behalf of that defendant;

(ii) shall qualify for a two-tier main tier and a two-tier subtier adjustment reducing the defendant participant's payment obligation based on inequity by demonstrating that not less than 95 percent of such person's prior asbestos expenditures arose from claims related to the manufacture and sale of railroad locomotives and related products, so long as such person's manufacture and sale of railroad locomotives and related products is temporally and causally remote, and for purposes of this clause, a person's manufacture and sale of railroad locomotives and related products shall be deemed to be temporally and causally remote if the asbestos claims historically and generally filed against such person relate to the manufacture and sale of railroad locomotives and related products by an entity dissolved more than 25 years before the date of enactment of this Act; and

(iii) shall be granted a two-tier adjustment reducing the defendant participant's payment obligation based on inequity by demonstrating that not less than 95 percent of such participant's prior asbestos expenditures arose from asbestos claims based on successor liability arising from a merger to which the participant or its predecessor was a party that occurred at least 30 years before the date of enactment of this Act, and that such prior asbestos expenditures exceed the inflation-adjusted value of the assets of the company from which such liability was derived in such merger, and upon such demonstration the Administrator shall grant such adjustment for the life of the Fund and amounts paid by such defendant participant prior to such adjustment in excess of its adjusted payment obligation under this clause shall be credited against next succeeding required payment obligations.

(B) PAYMENT RATE.—For purposes of subparagraph (A), the payment rate of a defendant participant is the payment amount of the defendant participant as a percentage of such defendant participant's gross revenues for the year ending December 31, 2002.

(C) TERM.—Subject to the annual availability of funds in the defendant hardship and inequity adjustment account established under subsection (j), an inequity adjustment under this subsection shall have a term of 3 years.

(D) RENEWAL.—A defendant participant may renew an inequity adjustment every 3 years by demonstrating that the adjustment remains justified.

(E) REINSTATEMENT.—

(i) IN GENERAL.—Following the termination of an inequity adjustment under subparagraph (A), and during the funding period prescribed under subsection (a), the Administrator shall annually determine whether there has been a material change in conditions which would support a finding that the amount of the defendant participant's payment under the statutory allocation was not inequitable. Based on this determination, the Administrator may, consistent with the policies and legislative intent underlying this Act, reinstate any or all of the payment obligations of the defendant participant as if the inequity adjustment had not been granted for that 3-year period.

(ii) TERMS AND CONDITIONS.—In the event of a reinstatement under clause (i), the Administrator may require the defendant participant to pay any part or all of amounts not paid due to the inequity adjustment on such terms and conditions as established by the Administrator.

(4) LIMITATION ON ADJUSTMENTS.—The aggregate total of financial hardship adjustments under paragraph (2) and inequity adjustments under paragraph (3) in effect in any given year shall not exceed $300,000,000, except to the extent *that*—

(A) additional monies are available for such adjustments as a result of carryover of prior years' funds under subsection (j)(3) or as a result of monies being made available in that year under subsection (k)(1)(A)**[.]***; or*

(B) the Administrator determines that the $300,000,000 is insufficient and additional adjustments as provided under paragraph (5) are needed to address situations in which a defendant participant would otherwise be rendered insolvent by its payment obligations without such adjustment.

(5) BANKRUPTCY RELIEF.—

(A) IN GENERAL.—Any defendant participant may apply for an adjustment under this paragraph at any time during the period in which a payment obligation to the Fund remains outstanding and may qualify for such adjustment by demonstrating, to a reasonable degree of certainty, evidence that the amount of its payment obligation would render the defendant participant insolvent, as defined under section 101 of title 11, United States Code, and unable to pay its debts as they become due.

(B) INFORMATION REQUIRED.—Any defendant participant seeking an adjustment or renewal of an adjustment under this paragraph shall provide the Administrator with the information required under section 521(1) of title 11 of the United States Code.

(C) LIMITATION.—Any adjustment granted by the Administrator under subparagraph (A) shall be limited to the extent reasonably necessary to prevent insolvency of a defendant participant.

(D) TERM.—To the extent the Administrator grants any relief under this paragraph, such adjustments shall have a term of 1 year. An adjustment may be renewed or modified on an annual basis upon the defendant participant demonstrating that the adjustment or modification remains justified under this paragraph.

(E) REINSTATEMENT.—During the funding period prescribed under subparagraph (A), the Administrator shall annually determine whether there has been a material change in the financial condition of any defendant participant granted an adjustment under this paragraph such that the Administrator may, consistent with the policies and legislative intent underlying this Act, reinstate under terms and conditions established by the Administrator any part or all of the defendant participant's payment obligation under the statutory allocation that was not paid during the adjustment term.

[(5)**]***(6)* ADVISORY PANELS.—

(A) APPOINTMENT.—The Administrator shall appoint a Financial Hardship Adjustment Panel and an Inequity Adjustment Panel to advise the Administrator in carrying out this subsection.

(B) MEMBERSHIP.—The membership of the panels appointed under subparagraph (A) may overlap.

(C) COORDINATION.—The panels appointed under subparagraph (A) shall coordinate their deliberations and advice.

(e) LIMITATION ON LIABILITY.—The liability of each defendant participant to pay to the Fund shall be limited to the payment obligations under this Act, and, except as provided in subsection (f) and section 203(b)(2)(D), no defendant participant shall have any liability for the payment obligations of any other defendant participant.

(f) CONSOLIDATION OF PAYMENTS.—

(1) IN GENERAL.—For purposes of determining the payment levels of defendant participants, any affiliated group including 1 or more defendant participants may irrevocably elect, as part of the submissions to be made under paragraphs (1) and (3) of subsection (i), to report on a consolidated basis all of the information necessary to determine the payment level under this subtitle and pay to the Fund on a consolidated basis.

(2) ELECTION.—If an affiliated group elects consolidation as provided in this subsection—

(A) for purposes of this Act other than this subsection, the affiliated group shall be treated as if it were a single participant, including with respect to the assessment of a single annual payment under this subtitle for the entire affiliated group;

(B) the ultimate parent of the affiliated group shall prepare and submit each submission to be made under subsection (i) on behalf of the entire affiliated group and shall be solely liable, as between the Administrator and the affiliated group only, for the payment of the annual amount due from the affiliated group under this subtitle, except that, if the ultimate parent does not pay when due any payment obligation for the affiliated group, the Administrator shall have the right to seek payment of all or any portion of the entire amount due (as well as any other amount for which the affiliated group may be liable under sections 223 and 224) from any member of the affiliated group;

(C) all members of the affiliated group shall be identified in the submission under subsection (i) and shall certify compliance with this subsection and the Administrator's regulations implementing this subsection; and

(D) the obligations under this subtitle shall not change even if, after the date of enactment of this Act, the beneficial ownership interest between any members of the affiliated group shall change.

(3) CAUSE OF ACTION.—Notwithstanding section 221(e), this Act shall not preclude actions among persons within an affiliated group with respect to the payment obligations under this Act.

(g) DETERMINATION OF PRIOR ASBESTOS EXPENDITURES.—

(1) IN GENERAL.—For purposes of determining a defendant participant's prior asbestos expenditures, the Administrator shall prescribe such rules as may be necessary or appropriate to assure that payments by indemnitors before December 31, 2002, shall be counted as part of the indemnitor's prior asbestos expenditures, rather than the indemnitee's prior asbestos expenditures, in accordance with this subsection.

(2) INDEMNIFIABLE COSTS.—If an indemnitor has paid or reimbursed to an indemnitee any indemnifiable cost or otherwise made a payment on behalf of or for the benefit of an indemnitee to a third party for an indemnifiable cost before December 31, 2002, the amount of such indemnifiable cost shall be solely for the account of the indemnitor for purposes under this Act.

(3) INSURANCE PAYMENTS.—When computing the prior asbestos expenditures with respect to an asbestos claim, any amount paid or reimbursed by insurance shall be solely for the account of the indemnitor, even if the indemnitor would have no direct right to the benefit of the insurance, if—

(A) such insurance has been paid or reimbursed to the indemnitor or the indemnitee, or paid on behalf of or for the benefit of the indemnitee; and

(B) the indemnitor has either, with respect to such asbestos claim or any similar asbestos claim, paid or reimbursed to its indemnitee any indemnifiable cost or paid to any third party on behalf of or for the benefit of the indemnitee any indemnifiable cost.

(4) TREATMENT OF CERTAIN EXPENDITURES.—Notwithstanding any other provision of this Act, where—

(A) an indemnitor entered into a stock purchase agreement in 1988 that involved the sale of the stock of businesses that produced friction and other products; and

(B) the stock purchase agreement provided that the indemnitor indemnified the indemnitee and its affiliates for losses arising from various matters, including asbestos claims—

(i) asserted before the date of the agreement; and

(ii) filed after the date of the agreement and prior to the 10-year anniversary of the stock sale,

then the prior asbestos expenditures arising from the asbestos claims described in clauses (i) and (ii) shall not be for the account of either the indemnitor or indemnitee.

(h) MINIMUM ANNUAL PAYMENTS.—

(1) IN GENERAL.—The aggregate annual payments of defendant participants to the Fund shall be at least $3,000,000,000 for each calendar year in the first 30 years of the Fund, or until such shorter time as the condition set forth in subsection (a)(2) is attained.

(2) GUARANTEED PAYMENT ACCOUNT.—To the extent payments in accordance with sections 202 and 203 [(as modified by subsections (b), (d), (f) and (g) of this section)] *(as modified by subsections (b), (d), (f), (g), and (m) of this section)* fail in any year to raise at least $3,000,000,000 [net of any adjustments under subsection (d)], *after applicable reductions or adjustments have been taken according to subsections (d) and (m)*, the balance needed to meet this required minimum aggregate annual payment shall be obtained from the defendant guaranteed payment account established under subsection (k).

(3) GUARANTEED PAYMENT SURCHARGE.—To the extent the procedure set forth in paragraph (2) is insufficient to satisfy the required minimum aggregate annual payment [net of any adjustments under subsection (d)], *after applicable reductions or adjustments have been taken according to subsections (d) and (m)*, the Administrator [may] *shall unless the Administrator implements a funding holiday under section 205(b)*, assess a guaranteed payment surcharge under subsection (l).

(i) PROCEDURES FOR MAKING PAYMENTS.—

(1) INITIAL YEAR: TIERS II–VI.—

(A) IN GENERAL.—Not later than [120] *90* days after enactment of this Act, each defendant participant that is included in Tiers II, III, IV, V, or VI shall file with the Administrator—

(i) a statement of whether the defendant participant irrevocably elects to report on a consolidated basis under subsection (f);

(ii) a good-faith estimate of its prior asbestos expenditures;

(iii) a statement of its 2002 revenues, determined in accordance with section 203(a)(2); [and]

(iv) payment in the amount specified in section 203 for the lowest subtier of the tier within which the defendant participant falls, except that if the defendant participant, or the affiliated group including the defendant participant, had 2002 revenues exceeding $3,000,000,000, it or its affiliated group shall pay the amount specified for Subtier 3 of Tiers II, III, or IV or Subtier 2 of Tiers V or VI, depending on the applicable Tier[.]*; and*

(v) a signature page personally verifying the truth of the statements and estimates described under this subparagraph, as required under section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.).

(B) RELIEF.—

(i) IN GENERAL.—The Administrator shall establish procedures to grant a defendant participant relief from its initial payment obligation if the participant shows that—

(I) the participant is likely to qualify for a financial hardship adjustment; and

(II) failure to provide interim relief would cause severe irreparable harm.

(ii) JUDICIAL RELIEF.—The Administrator's refusal to grant relief under clause (i) is subject to immediate judicial review under section 303.

(2) INITIAL YEAR: TIER I.—Not later than 60 days after enactment of this Act, each debtor shall file with the Administrator—

(A) a statement identifying the bankruptcy case(s) associated with the debtor;

(B) a statement whether its prior asbestos expenditures exceed $1,000,000;

(C) a statement whether it has material continuing business operations and, if not, whether it holds cash or other assets that have been allocated or earmarked for asbestos settlements;

(D) in the case of debtors falling within Subtier 1 of Tier I—

(i) a statement of the debtor's 2002 revenues, determined in accordance with section 203(a)(2)[.]*;*

(ii) for those debtors subject to the payment requirement of section 203(b)(2)(B)(ii), a statement whether its prior asbestos expenditures do not exceed $10,000,000, and a description of its business operations sufficient to show the requirements of that section are met; and

(iii) a payment under section 203(b)(2)(B);

(E) in the case of debtors falling within Subtier 2 of Tier I, an assignment of its assets under section 203(b)(3)(B); [and]

(F) in the case of debtors falling within Subtier 3 of Tier I, a payment under section 203(b)(4)(B), and a statement of how such payment was calculated[.]; and

(G) a signature page personally verifying the truth of the statements and estimates described under this paragraph, as required under section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.).

(3) INITIAL YEAR: TIER VII.—Not later than 90 days after enactment of this Act, each defendant participant in Tier VII shall file with the Administrator—

(A) a good-faith estimate of all payments of the type described in section 203(h)(1) (as modified by section 203(h)(6));

(B) a statement of revenues calculated in accordance with sections 203(a)(2) and 203(h); and

(C) payment in the amount specified in section 203(h).

(4) NOTICE TO PARTICIPANTS.—Not later than 240 days after enactment of this Act, the Administrator shall—

(A) directly notify all reasonably identifiable defendant participants of the requirement to submit information necessary to calculate the amount of any required payment to the Fund; and

(B) publish in the Federal Register a notice—

(i) setting forth the criteria in this Act, and as prescribed by the Administrator in accordance with this Act, for paying under this subtitle as a defendant participant and requiring any person who may be a defendant participant to submit such information; and

(ii) that includes a list of all defendant participants notified by the Administrator under subparagraph (A), and provides for 30 days for the submission by the public of comments or information regarding the completeness and accuracy of the list of identified defendant participants.

(5) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (4)(A), and any other person meeting the criteria specified in the notice published under paragraph (4)(B), shall provide the Administrator with an address to send any notice from the Administrator in accordance with this Act and all the information required by the Administrator in accordance with this subsection no later than the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication of notice in the Federal Register.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(C) CONSENT TO AUDIT AUTHORITY.—The response submitted under subparagraph (A) shall include, on behalf of the defendant participant or affiliated group, a consent to the Administrator's audit authority under section 221(d).

(6) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—

(i) NOTICE TO INDIVIDUAL.—Not later than 60 days after receiving a response under paragraph (5), the Administrator shall send the person a notice of initial determination identifying the tier and subtier, if any, into which the person falls and the annual payment obligation, if any, to the Fund, which determination shall be based on the information received from the person under this subsection and any other pertinent information available to the Administrator and identified to the defendant participant.

(ii) PUBLIC NOTICE.—Not later than 7 days after sending the notification of initial determination to defendant participants, the Administrator shall publish in the Federal Register a notice listing the defendant participants that have been sent such notification, and the initial determination identifying the tier and subtier assignment and annual payment obligation of each identified participant.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response in accordance with paragraph (5) is received from a defendant participant, or if the response is incomplete, the initial determination shall be based on the best information available to the Administrator.

(C) PAYMENTS.—Within 30 days of receiving a notice of initial determination requiring payment, the defendant participant shall pay the Administrator the amount required by the notice, after deducting any previous payment made by the participant under this subsection. If the amount that the defendant participant is required to pay is less than

any previous payment made by the participant under this subsection, the Administrator shall credit any excess payment against the future payment obligations of that defendant participant. The pendency of a petition for rehearing under paragraph (10) shall not stay the obligation of the participant to make the payment specified in the Administrator's notice.

(7) EXEMPTIONS FOR INFORMATION REQUIRED.—

(A) PRIOR ASBESTOS EXPENDITURES.—In lieu of submitting information related to prior asbestos expenditures as may be required for purposes of this subtitle, a non-debtor defendant participant may consent to be assigned to Tier II.

(B) REVENUES.—In lieu of submitting information related to revenues as may be required for purposes of this subtitle, a non-debtor defendant participant may consent to be assigned to Subtier 1 of the defendant participant's applicable tier.

(8) NEW INFORMATION.—

(A) EXISTING PARTICIPANT.—The Administrator shall adopt procedures for requiring additional payment, or refunding amounts already paid, based on new information received.

(B) ADDITIONAL PARTICIPANT.—If the Administrator, at any time, receives information that an additional person may qualify as a defendant participant, the Administrator shall require such person to submit information necessary to determine whether that person is required to make payments, and in what amount, under this subtitle and shall make any determination or take any other act consistent with this Act based on such information or any other information available to the Administrator with respect to such person.

(9) SUBPOENAS.—The Administrator may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(10) REHEARING.—A defendant participant has a right to obtain rehearing of the Administrator's determination under this subsection of the applicable tier or subtier [and], of the Administrator's determination under subsection (d) of a financial hardship or inequity adjustment, *and of the Administrator's determination under subsection (m) of a distributor's adjustment*, if the request for rehearing is filed within 30 days after the defendant participant's receipt of notice from the Administrator of the determination. A defendant participant may not file an action under section 303 unless the defendant participant requests a rehearing under this paragraph. The Administrator shall publish a notice in the Federal Register of any change in a defendant participant's tier or subtier assignment or payment obligation as a result of a rehearing.

(j) DEFENDANT HARDSHIP AND INEQUITY ADJUSTMENT ACCOUNT.—

(1) IN GENERAL.—To the extent the total payments by defendant participants in any given year exceed the minimum aggregate annual payments *required* under subsection (h), excess monies up to a maximum of $300,000,000 in any such year shall be placed in a defendant hardship and inequity adjustment account established within the Fund by the Administrator.

(2) USE OF ACCOUNT MONIES.—Monies from the defendant hardship and inequity adjustment account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) to make up for any relief granted to a defendant participant for severe financial hardship or demonstrated inequity under subsection (d) or to reimburse any defendant participant granted such relief after its payment of the amount otherwise due; and

(B) if the condition set forth in subsection (a)(2) is met, for any purpose that the Fund may serve under this Act.

(3) CARRYOVER OF UNUSED FUNDS.—To the extent the Administrator does not, in any given year, use all of the funds allocated to the account under paragraph (1) for adjustments granted under subsection (d), remaining funds in the account shall be carried forward for use by the Administrator for adjustments in subsequent years.

(k) DEFENDANT GUARANTEED PAYMENT ACCOUNT.—

(1) IN GENERAL.—Subject to subsections (h) and (j), if there are excess monies paid by defendant participants in any given year, including any bankruptcy trust credits that may be due under section 222[(e)]*(d)*, such monies—

(A) at the discretion of the Administrator, may be used to provide additional adjustments under subsection (d), up to a maximum aggregate of $50,000,000 in such year; and

(B) to the extent not used under subparagraph (A), shall be placed in a defendant guaranteed payment account established within the Fund by the Administrator.

(2) USE OF ACCOUNT MONIES.—Monies from the defendant guaranteed payment account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) to ensure the minimum aggregate annual payment [set forth in] *required under* subsection (h) [net of any adjustments under subsection (d)], *after applicable reductions or adjustments have been taken according to subsections (d) and (m)* is reached each year; and

(B) if the condition set forth in subsection (a)(2) is met, for any purpose that the Fund may serve under this Act.

(l) GUARANTEED PAYMENT SURCHARGE.—

(1) IN GENERAL.—To the extent there are insufficient monies in the defendant guaranteed payment account established in subsection (k) to attain the minimum aggregate annual payment *required under subsection (h)* [net of any adjustments under subsection (d)] in any given year, the Administrator [may] *shall, unless the Administrator implements a funding holiday under section 205(b)*, impose on each defendant participant a surcharge as necessary to raise the balance required to attain the minimum aggregate annual payment *required under subsection (h)* [net of any adjustments under subsection (d)] as provided in this subsection. Any such surcharge shall be imposed on a pro rata basis, in accordance with each defendant participant's relative annual liability under sections 202 and 203 [(as modified by subsections (b), (d), (f), and (g) of this section)] *(as modified by subsections (b), (d), (f), (g), and (m) of this section)*.

(2) LIMITATION.—

(A) IN GENERAL.—In no case shall the Administrator impose a surcharge under this subsection on any defendant participant included in Subtier 3 of Tiers V or VI as described under section 203.

(B) REALLOCATION.—Any amount not imposed under subparagraph (A) shall be reallocated on a pro-rata basis, in accordance with each defendant participant's (other than a defendant participant described under subparagraph (A)) relative annual liability under sections 202 and 203 (as modified by subsections (b), (d), (f), and (g) of this section).

[(2)]*(3)* CERTIFICATION.—

(A) IN GENERAL.—Before imposing a guaranteed payment surcharge under this subsection, the Administrator shall certify that he or she has used all reasonable efforts to collect mandatory payments for all defendant participants, including by using the authority in subsection (i)(9) of this section and section 223.

(B) NOTICE AND COMMENT.—Before making a final certification under subparagraph (C), the Administrator shall publish a notice in the Federal Register of a proposed certification and provide in such notice for a public comment period of 30 days.

(C) FINAL CERTIFICATION.—

(i) IN GENERAL.—The Administrator shall publish a notice of the final certification in the Federal Register after consideration of all comments submitted under subparagraph (B).

(ii) WRITTEN NOTICE.—Not later than 30 days after publishing any final certification under clause (i), the Administrator shall provide each defendant participant with written notice of that defendant participant's payment, including the amount of any surcharge.

(m) ADJUSTMENTS FOR DISTRIBUTORS.—

(1) DEFINITION.—In this subsection, the term ''distributor'' means a person—

(A) whose prior asbestos expenditures arise exclusively from the sale of products manufactured by others;

(B) who did not prior to December 31, 2002, sell raw asbestos or a product containing more than 95 percent asbestos by weight;

(C) whose prior asbestos expenditures did not arise out of—

(i) the manufacture, installation, repair, reconditioning, maintaining, servicing, constructing, or remanufacturing of any product;

(ii) the control of the design, specification, or manufacture of any product; or

(iii) the sale or resale of any product under, as part of, or under the auspices of, its own brand, trademark, or service mark; and

(D) who is not subject to assignment under section 202 to Tier I, II, III or VII.

(2) TIER REASSIGNMENT FOR DISTRIBUTORS.—

(A) IN GENERAL.—Notwithstanding section 202, the Administrator shall assign a distributor to a Tier for purposes of this title under the procedures set forth in this paragraph.

(B) DESIGNATION.—After a final determination by the Administrator under section 204(i), any person who is, or any affiliated group in which every member is, a distributor may apply to the Administrator for adjustment of its Tier assignment under this subsection. Such application shall be prepared in accordance with such procedures as the Administrator shall promulgate by rule. Once the Administrator designates a person or affiliated group as a distributor under this subsection, such designation and the adjustment of tier assignment under this subsection are final.

(C) PAYMENTS.—Any person or affiliated group that seeks adjustment of its Tier assignment under this subsection shall pay all amounts required of it under this title until a final determination by the Administrator is made under this subsection. Such payments may not be stayed pending any appeal. The Administrator shall grant any person or affiliated group a refund or credit of any payments made if such adjustment results in a lower payment obligation.

(D) ADJUSTMENT.—Subject to paragraph (3), any person or affiliated group that the Administrator has designated as a distributor under this subsection shall be given an adjustment of Tier assignment as follows:

(i) A distributor that but for this subsection would be assigned to Tier IV shall be deemed assigned to Tier V.

(ii) A distributor that but for this subsection would be assigned to Tier V shall be deemed assigned to Tier VI.

(iii) A distributor that but for this subsection would be assigned to Tier VI shall be deemed assigned to no Tier and shall have no obligation to make any payment to the Fund under this Act.

(E) EXCLUSIVE TO INEQUITY ADJUSTMENT.—Any person or affiliated group designated by the Administrator as a distributor under this subsection shall not be eligible for an inequity adjustment under subsection 204(d).

(3) LIMITATION ON ADJUSTMENTS.—The aggregate total of distributor adjustments under this subsection in effect in any given year shall not exceed $50,000,000. If the aggregate total of distributors adjustments under this subsection would otherwise exceed $50,000,000, then each distributor's adjustment shall be reduced pro rata until the aggregate of all adjustments equals $50,000,000.

(4) REHEARING.—A defendant participant has a right to obtain a rehearing of the Administrator's determination on an adjustment under this subsection under the procedures prescribed in subsection (i)(10).

SEC. 205. STEPDOWNS AND FUNDING HOLIDAYS.

(a) STEPDOWNS.—

(1) IN GENERAL.—Subject to paragraph (2), the minimum aggregate annual funding obligation under section 204(h) shall be reduced by 10 percent of the initial minimum aggregate funding obligation at the end of the tenth, fifteenth, twentieth, and twenty-fifth years after the date of enactment of this Act. The reductions under this paragraph shall be applied on an equal pro rata basis to the funding obligations of all defendant participants, except with respect to defendant participants in Tier 1, Subtiers 2 and 3, and class action trusts.

(2) LIMITATION.—The Administrator shall suspend, cancel, reduce, or delay any reduction under paragraph (1) if at any time the Administrator finds, in accordance with subsection (c), that such action is necessary and appropriate to ensure that the assets of the Fund and expected future payments remain sufficient to satisfy the Fund's anticipated obligations.

(b) FUNDING HOLIDAYS.—

(1) IN GENERAL.—If the Administrator determines, at any time after 10 years following the date of enactment of this Act, that the assets of the Fund at the time of such determination and expected future payments, taking into consideration any reductions under subsection (a), are sufficient to satisfy the Fund's anticipated obligations without the need for all, or any portion of, that year's payment otherwise required under this subtitle, the Administrator shall reduce or waive all or any part of the payments required from defendant participants for that year.

(2) ANNUAL REVIEW.—The Administrator shall undertake the review required by this subsection and make the necessary determination under paragraph (1) every year.

(3) LIMITATIONS ON FUNDING HOLIDAYS.—Any reduction or waiver of the defendant participants' funding obligations shall—

(A) be made only to the extent the Administrator determines that the Fund will still be able to satisfy all of its anticipated obligations; and

(B) be applied on an equal pro rata basis to the funding obligations of all defendant participants, except with respect to defendant participants in Subtiers 2 and 3 of Tier I and class action trusts, for that year.

(4) NEW INFORMATION.—If at any time the Administrator determines that a reduction or waiver under this section may cause the assets of the Fund and expected future payments to decrease to a level at which the Fund may not be able to satisfy all of its anticipated obligations, the Administrator shall revoke all or any part of such reduction or waiver to the extent necessary to ensure that the Fund's obligations are met. Such revocations shall be applied on an equal pro rata basis to the funding obligations of all defendant participants, except defendant participants in Subtiers 2 and 3 of Tier I and class action trusts, for that year.

(c) CERTIFICATION.—

(1) IN GENERAL.—Before suspending, canceling, reducing, or delaying any reduction under subsection (a) or granting or revoking a reduction or waiver under subsection (b), the Administrator shall certify that the requirements of this section are satisfied.

(2) NOTICE AND COMMENT.—Before making a final certification under this subsection, the Administrator shall publish a notice in the Federal Register of a proposed certification and a statement of the basis therefor and provide in such notice for a public comment period of 30 days.

(3) FINAL CERTIFICATION.—

(A) IN GENERAL.—The Administrator shall publish a notice of the final certification in the Federal Register after consideration of all comments submitted under paragraph (2).

(B) WRITTEN NOTICE.—Not later than 30 days after publishing any final certification under subparagraph (A), the Administrator shall provide each defendant participant with written notice of that defendant's funding obligation for that year.

SEC. 206. ACCOUNTING TREATMENT.

Defendant participants payment obligations to the Fund shall be subject to discounting under the applicable accounting guidelines for generally accepted accounting purposes and statutory accounting purposes for each defendant participant. This section shall in no way reduce the amount of monetary payments to the Fund by defendant participants as required under section 202(a)(2).

Subtitle B—Asbestos Insurers Commission

SEC. 210. DEFINITION.

In this subtitle, the term ''captive insurance company'' means a company—

(1) whose entire beneficial interest is owned on the date of enactment of this Act, directly or indirectly, by a defendant participant or by the ultimate parent or the affiliated group of a defendant participant;

(2) whose primary commercial business during the period from calendar years 1940 through 1986 was to provide insurance to its ultimate parent or affiliated group, or any portion of the affiliated group or a combination thereof; and

(3) that was incorporated or operating no later than December 31, 2003.

SEC. 211. ESTABLISHMENT OF ASBESTOS INSURERS COMMISSION.

(a) ESTABLISHMENT.—There is established the Asbestos Insurers Commission (referred to in this subtitle as the ''Commission'') to carry out the duties described in section 212.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 5 members who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—

(A) EXPERTISE.—Members of the Commission shall have sufficient expertise to fulfill their responsibilities under this subtitle.

(B) CONFLICT OF INTEREST.—

(i) IN GENERAL.—No member of the Commission appointed under paragraph (1) may be an employee or immediate family member of an employee of an insurer participant. No member of the Commission shall be a shareholder of any insurer participant. No member of the Commission shall be a former officer or director, or a former employee or former shareholder of any insurer participant who was such an employee, shareholder, officer, or director at any time during the 2-year period ending on the date of the appointment, unless that is fully disclosed before consideration in the Senate of the nomination for appointment to the Commission.

(ii) DEFINITION.—In clause (i), the term ''shareholder'' shall not include a broadly based mutual fund that includes the stocks of insurer participants as a portion of its overall holdings.

(C) FEDERAL EMPLOYMENT.—A member of the Commission may not be an officer or employee of the Federal Government, except by reason of membership on the Commission.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) CHAIRMAN.—The President shall select a Chairman from among the members of the Commission.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chairman, as necessary to accomplish the duties under section 212.

(3) QUORUM.—No business may be conducted or hearings held without the participation of a majority of the members of the Commission.

SEC. 212. DUTIES OF ASBESTOS INSURERS COMMISSION.

(a) DETERMINATION OF INSURER PAYMENT OBLIGATIONS.—

(1) IN GENERAL.—

(A) DEFINITIONS.—For the purposes of this Act, the terms ''insurer'' and ''insurer participant'' shall, unless stated otherwise, include direct insurers and reinsurers, as well as any run-off entity established, in whole or in part, to review and pay asbestos claims.

(B) PROCEDURES FOR DETERMINING INSURER PAYMENTS.—The Commission shall determine the amount that each insurer participant shall be required to pay into the Fund under the procedures described in this section. The Commission shall make this determination by first promulgating a rule establishing a methodology for allocation of payments among insurer participants and then applying such methodology to determine the individual payment for each insurer participant. The methodology may include 1 or more allocation formulas to be applied to all insurer participants or groups of similarly situated participants. The Commission's rule shall include a methodology for adjusting payments by insurer participants [to make up, during any applicable payment year, any amount by which aggregate insurer payments fall below the level required in paragraph (3)(C).] *to make up, during the first 5 years of the life of the Fund and any subsequent years as provided in section 405(e) for any reduction in an insurer participant's annual allocated amount caused by the granting of a financial hardship or exceptional circumstance adjustment under this section, and any amount by which aggregate insurer payments fall below the level required under paragraph (3)(C) by reason of the failure or refusal of any insurer participant to make a required payment, or for any other reason that causes such payments to fall below the level required under paragraph (3)(C).* The Commission shall conduct a thorough study (within the time limitations under this subparagraph) of the accuracy of the reserve allocation of each insurer participant, and may request information from the Securities and Exchange Commission or any State regulatory agency. Under this procedure, not later than 120 days after the initial meeting of the Commission, the Commission shall commence a rulemaking proceeding under

section 213(a) to propose and adopt a methodology for allocating payments among insurer participants. In proposing an allocation methodology, the Commission may consult with such actuaries and other experts as it deems appropriate. After hearings and public comment on the proposed allocation methodology, the Commission shall as promptly as possible promulgate a final rule establishing such methodology. After promulgation of the final rule, the Commission shall determine the individual payment of each insurer participant under the procedures set forth in subsection (b).

(C) SCOPE.—Every insurer, reinsurer, and runoff entity with asbestos-related obligations in the United States shall be subject to the Commission's and Administrator's authority under this Act, including allocation determinations, and shall be required to fulfill its payment obligation without regard as to whether it is licensed in the United States. Every insurer participant not licensed or domiciled in the United States shall, upon the first payment to the Fund, submit a written consent to the Commission's and Administrator's authority under this Act, and to the jurisdiction of the courts of the United States for purposes of enforcing this Act, in a form determined by the Administrator. Any insurer participant refusing to provide a written consent shall be subject to fines and penalties as provided in section 223.

(D) ISSUERS OF FINITE RISK POLICIES.—

(i) IN GENERAL.—The issuer of any policy of *retrospective* reinsurance purchased by an insurer participant or its affiliate after 1990 that provides for a *risk or* loss transfer to insure for [incurred] asbestos losses and other losses (both known and unknown), including those policies commonly referred to as ''finite risk'', ''aggregate stop loss'', ''aggregate excess of loss'', or ''loss portfolio transfer'' policies, shall be obligated to make payments required under this Act directly to the Fund on behalf of the insurer participant who is the beneficiary of such policy, subject to the underlying retention and the limits of liability applicable to such policy.

(ii) PAYMENTS.—Payments to the Fund required under this Act shall be treated as loss payments for asbestos bodily injury (as if such payments were incurred as liabilities imposed in the tort system) and shall not be subject to exclusion under policies described under clause (i) as a liability with respect to tax or assessment. Within 90 days after the scheduled date to make an annual payment to the Fund, the insurer participant shall, at its discretion, direct the reinsurer issuing such policy to pay all or a portion of the annual payment directly to the Fund up to the full applicable limits of liability under the policy. The reinsurer issuing such policy shall be obligated to make such payments directly to the Fund and shall be subject to the enforcement provisions under section 223. The insurer participant shall remain obligated to make payment to the Fund of that portion of the annual payment not directed to the issuer of such reinsurance policy.

(2) AMOUNT OF PAYMENTS.—

(A) AGGREGATE PAYMENT OBLIGATION.—The total payment required of all insurer participants over the life of the Fund shall be equal to $46,025,000,000, *less any bankruptcy trust credits under section 222(d)*.

(B) ACCOUNTING STANDARDS.—In determining the payment obligations of participants that are not licensed or domiciled in the United States or that are runoff entities, the Commission shall use accounting standards required for United States licensed direct insurers.

(C) CAPTIVE INSURANCE COMPANIES.—No payment to the Fund shall be required from a captive insurance company, unless and only to the extent a captive insurance company, on the date of enactment of this Act, has liability, directly or indirectly, for any asbestos claim of a person or persons other than and unaffiliated with its ultimate parent or affiliated group or pool in which the ultimate parent participates or participated, or unaffiliated with a person that was its ultimate parent or a member of its affiliated group or pool at the time the relevant insurance or reinsurance was issued by the captive insurance company.

(D) SEVERAL LIABILITY.—Unless otherwise provided under this Act, each insurer participant's obligation to make payments to the Fund is several. Unless otherwise provided under this Act, there is no joint liability, and the future insolvency by any insurer participant shall not affect the payment required of any other insurer participant.

(3) PAYMENT OF CRITERIA.—

(A) INCLUSION IN INSURER PARTICIPANT CATEGORY.—

(i) IN GENERAL.—Insurers that have paid, or been assessed by a legal judgment or settlement, at least $1,000,000 in defense and indemnity costs before the date of enactment of this Act in response to claims for compensation for asbestos injuries arising from a policy of liability insurance or contract of liability reinsurance or retrocessional reinsurance shall be insurer participants in the Fund. Other insurers shall be exempt from mandatory payments.

(ii) INAPPLICABILITY OF SECTION 202.—Since insurers may be subject in certain jurisdictions to direct action suits, and it is not the intent of this Act to impose upon an insurer, due to its operation as an insurer, payment obligations to the Fund in situations where the insurer is the subject of a direct action, no insurer subject to mandatory payments under *this* section [212] shall also be liable for payments to the Fund as a defendant participant under section 202.

(B) INSURER PARTICIPANT ALLOCATION METHODOLOGY.—

(i) IN GENERAL.—The Commission shall establish the payment obligations of individual insurer participants to reflect, on an equitable basis, the relative tort system liability of the participating insurers in the absence of this Act, considering and weighting, as appropriate (but exclusive of workers' compensation), such factors as—

(I) historic premium for lines of insurance associated with asbestos exposure over relevant periods of time;

(II) recent loss experience for asbestos liability;

(III) amounts reserved for asbestos liability;

(IV) the likely cost to each insurer participant of its future liabilities under applicable insurance policies; and

(V) any other factor the Commission may determine is relevant and appropriate.

(ii) DETERMINATION OF RESERVES.—The Commission may establish procedures and standards for determination of the asbestos reserves of insurer participants. The reserves of a United States licensed reinsurer that is wholly owned by, or under common control of, a United States licensed direct insurer shall be included as part of the direct insurer's reserves when the reinsurer's financial results are included as part of the direct insurer's United States operations, as reflected in footnote 33 of its filings with the National Association of Insurance Commissioners or in published financial statements prepared in accordance with generally accepted accounting principles.

(C) PAYMENT SCHEDULE.—The aggregate annual amount of payments by insurer participants over the life of the Fund shall be as follows:

(i) For years 1 and 2, $2,700,000,000 annually.

(ii) For years 3 through 5, $5,075,000,000 annually.

(iii) For years 6 through 27, $1,147,000,000 annually.

(iv) For year 28, $166,000,000.

(D) CERTAIN RUNOFF ENTITIES.—

[(i) IN GENERAL.—Whenever the Commission requires payments by a runoff entity that has assumed asbestos-related liabilities from a Lloyd's syndicate or names that are members of such a syndicate, the Commission shall not require payments from such syndicates and names to the extent that the runoff entity makes its required payments. In addition, such syndicates and names shall be required to make payments to the Fund in the amount of any adjustment granted to the runoff entity for severe financial hardship or exceptional circumstances.]

[(ii) INCLUDED RUNOFF ENTITIES.—Subject to clause (i), a] A runoff entity shall include any direct insurer or reinsurer whose asbestos liability reserves have been transferred, directly or indirectly, to the runoff entity and on whose behalf the runoff entity handles or adjusts and, where appropriate, pays asbestos claims.

(E) FINANCIAL HARDSHIP AND EXCEPTIONAL CIRCUMSTANCE ADJUSTMENTS.—

(i) IN GENERAL.—Under the procedures established in subsection (b), an insurer participant may seek adjustment of the amount of its payments based on exceptional circumstances or severe financial hardship.

(ii) FINANCIAL ADJUSTMENTS.—An insurer participant may qualify for an adjustment based on severe financial hardship by demonstrating that payment of the amounts required by the Commission's methodology would jeopardize the solvency of such participant.

(iii) EXCEPTIONAL CIRCUMSTANCE ADJUSTMENT.—An insurer participant may qualify for an adjustment based on exceptional circumstances by demonstrating—

(I) that the amount of its payments under the Commission's allocation methodology is exceptionally inequitable when measured against the amount of the likely cost to the participant of its future liability in the tort system in the absence of the Fund;

(II) an offset credit as described in subparagraphs (A) and (C) of subsection (b)(4); or

(III) other exceptional circumstances.

The Commission may determine whether to grant an adjustment and the size of any [such adjustment, but adjustments shall not reduce the aggregate payment obligations] *such adjustment, but except as provided under paragraph (1)(B), subsection (f)(3), and section 405(e), any such adjustment shall not affect the aggregate payment obligations* of insurer participants specified in paragraph (2)(A) and subparagraph (C) of this paragraph.

(iv) TIME PERIOD OF ADJUSTMENT.—Except for adjustments for offset credits, adjustments granted under this subsection shall have a term not to exceed 3 years. An insurer participant may renew its adjustment by demonstrating to the Administrator that it remains justified.

(F) FUNDING HOLIDAYS.—

(i) IN GENERAL.—If the Administrator determines, at any time after 10 years following the date of enactment of this Act, that the assets of the Fund at the time of such determination and expected future payments are sufficient to satisfy the Fund's anticipated obligations without the need for all, or any portion of, that year's payment otherwise required under this subtitle, the Administrator shall reduce or waive all or any part of the payments required from insurer participants for that year.

(ii) ANNUAL REVIEW.—The Administrator shall undertake the review required by this subsection and make the necessary determination under clause (i) every year.

(iii) LIMITATIONS OF FUNDING HOLIDAYS.—Any reduction or waiver of the insurer participants' funding obligations shall—

(I) be made only to the extent the Administrator determines that the Fund will still be able to satisfy all of its anticipated obligations; and

(II) be applied on an equal pro rata basis to the funding obligations of all insurer participants for that year.

(iv) NEW INFORMATION.—If at any time the Administrator determines that a reduction or waiver under this section may cause the assets of the Fund and expected future payments to decrease to a level at which the Fund may not be able to satisfy all of its anticipated obligations, the Administrator shall revoke all or any part of such reduction or waiver to the extent necessary to ensure that the Fund's obligations are met. Such revocations shall be applied on an equal pro rata basis to the funding obligations of all insurer participants for that year.

(b) PROCEDURE FOR NOTIFYING INSURER PARTICIPANTS OF INDIVIDUAL PAYMENT OBLIGATIONS.—

(1) NOTICE TO PARTICIPANTS.—Not later than 30 days after promulgation of the final rule establishing an allocation methodology under subsection (a)(1), the Commission shall—

(A) directly notify all reasonably identifiable insurer participants of the requirement to submit information necessary to calculate the amount of any required payment to the Fund under the allocation methodology; and

(B) publish in the Federal Register a notice—

(i) requiring any person who may be an insurer participant (as determined by criteria outlined in the notice) to submit such information; and

(ii) that includes a list of all insurer participants notified by the Commission under subparagraph (A), and provides for 30 days for the submission of comments or information regarding the completeness and accuracy of the list of identified insurer participants.

(2) RESPONSE REQUIRED BY INDIVIDUAL INSURER PARTICIPANTS.—

(A) IN GENERAL.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B), shall respond by providing the Commission with all the information requested in the notice under a schedule or by a date established by the Commission.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE TO INSURER PARTICIPANTS OF INITIAL PAYMENT DETERMINATION.—

(A) IN GENERAL.—

(i) NOTICE TO INSURERS.—Not later than 120 days after receipt of the information required by paragraph (2), the Commission shall send each insurer participant a notice of initial determination requiring payments to the Fund, which shall be based on the information received from the participant in response to the Commission's request for information. An insurer participant's payments shall be payable over the schedule established in subsection (a)(3)(C), in annual amounts proportionate to the aggregate annual amount of payments for all insurer participants for the applicable year.

(ii) PUBLIC NOTICE.—Not later than 7 days after sending the notification of initial determination to insurer participants, the Commission shall publish in the Federal Register a notice listing the insurer participants that have been sent such notification, and the initial determination on the payment obligation of each identified participant.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from an insurer participant, or if the response is incomplete, the initial determination requiring a payment from the insurer participant shall be based on the best information available to the Commission.

(4) COMMISSION REVIEW, REVISION, AND FINALIZATION OF INITIAL PAYMENT DETERMINATIONS.—

(A) COMMENTS FROM INSURER PARTICIPANTS.—Not later than 30 days after receiving a notice of initial determination from the Commission, an insurer participant may provide the Commission with additional information to support adjustments to the required payments to reflect severe financial hardship or exceptional circumstances, including the provision of an offset credit for an insurer participant for the amount of any asbestos-related payments it made or was legally obligated to make, including payments released from an escrow, as the result of a bankruptcy judicially confirmed after May 22, 2003, but before the date of enactment of this Act.

(B) ADDITIONAL PARTICIPANTS.—If, before the final determination of the Commission, the Commission receives information that an additional person may qualify as an insurer participant, the Commission shall require such person to submit information necessary to determine whether payments from that person should be required, in accordance with the requirements of this subsection.

(C) REVISION PROCEDURES.—The Commission shall adopt procedures for revising initial payments based on information received under subparagraphs (A) and (B), including a provision requiring an offset credit for an insurer participant for the amount of any asbestos-related payments it made or was legally obligated to make, including payments released from an escrow, as the result of a bankruptcy confirmed after May 22, 2003, but before the date of enactment of this Act.

(5) EXAMINATIONS AND SUBPOENAS.—

(A) EXAMINATIONS.—The Commission may conduct examinations of the books and records of insurer participants to determine the completeness and accuracy of information submitted, or required to be submitted, to the Commission for purposes of determining participant payments.

(B) SUBPOENAS.—The Commission may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) ESCROW PAYMENTS.—Without regard to an insurer participant's payment obligation under this section, any escrow or similar account established before the date of enactment of this Act by an insurer participant in connection with an asbestos trust fund that has not been judicially confirmed by final order by the date of enactment of this Act shall be the property of the insurer participant and returned to that insurer participant.

(7) NOTICE TO INSURER PARTICIPANTS OF FINAL PAYMENT DETERMINATIONS.—Not later than 60 days after the notice of initial determination is sent to the insurer participants, the Commission shall send each insurer participant a notice of final determination.

(c) INSURER PARTICIPANTS VOLUNTARY ALLOCATION AGREEMENT.—

(1) IN GENERAL.—Not later than 30 days after the Commission proposes its rule establishing an allocation methodology under subsection (a)(1), direct insurer participants licensed or domiciled in the United States, other direct insurer participants, reinsurer participants licensed or domiciled in the United States, or other reinsurer participants, may submit an allocation agreement, approved by all of the participants in the applicable group, to the Commission.

(2) ALLOCATION AGREEMENT.—To the extent the participants in any such applicable group voluntarily agree upon an allocation arrangement, any such allocation agreement shall only govern the allocation of payments within that group and shall not determine the aggregate amount due from that group.

(3) CERTIFICATION.—The Commission shall determine whether an allocation agreement submitted under subparagraph (A) meets the requirements of this subtitle and, if so, shall certify the agreement as establishing the allocation methodology governing the individual payment obligations of the participants who are parties to the agreement. The authority of the Commission under this subtitle shall, with respect to participants who are parties to a certified allocation agreement, terminate on the day after the Commission certifies such agreement. Under subsection (f), the Administrator shall assume responsibility, if necessary, for calculating the individual payment obligations of participants who are parties to the certified agreement.

(d) COMMISSION REPORT.—

(1) RECIPIENTS.—Until the work of the Commission has been completed and the Commission terminated, the Commission shall submit an annual report, containing the information described under paragraph (2), to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives; and

(C) the Administrator.

(2) CONTENTS.—The report under paragraph (1) shall state the amount that each insurer participant is required to pay to the Fund, including the payment schedule for such payments.

[(e) INTERIM PAYMENTS.—

[(1) AUTHORITY OF ADMINISTRATOR.—During the period between the date of enactment of this Act and the date when the Commission issues its final determinations of payments, the Administrator shall have the authority to require insurer participants to make interim payments to the Fund to assure adequate funding by insurer participants during such period.

[(2) AMOUNT OF INTERIM PAYMENTS.—During any applicable year, the Administrator may require insurer participants to make aggregate interim payments not to exceed the annual aggregate amount specified in subsection (a)(3)(C).

[(3) ALLOCATION OF PAYMENTS.—Interim payments shall be allocated among individual insurer participants on an equitable basis as determined by the Administrator. All payments required under this subparagraph shall be credited against the participant's ultimate payment obligation to the Fund established by the Commission. If an interim payment exceeds the ultimate payment, the Fund shall pay interest on the amount of the overpayment at a rate determined by the Administrator. If the ultimate payment exceeds the interim payment, the participant shall pay interest on the amount of the underpayment at the same rate. Any participant may seek an exemption from or reduction in any payment required under this subsection under the financial hardship and exceptional circumstance standards established in subsection (a)(3)(D).

[(4) APPEAL OF INTERIM PAYMENT DECISIONS.—A decision by the Administrator to establish an interim payment obligation shall be considered final agency action and reviewable under section 303, except that the reviewing court may not stay an interim payment during the pendency of the appeal.]

(e) INTERIM PAYMENTS.—

(1) AMOUNT OF INTERIM PAYMENT.—Within 90 days after the date of enactment of this Act, insurer participants shall make an aggregate payment to the Fund not to exceed 50 percent of the aggregate funding obligation specified under subsection (a)(3)(C) for year 1.

(2) RESERVE INFORMATION.—Within 30 days after the date of enactment of this Act, each insurer participant shall submit to the Administrator a certified statement of its net held reserves for asbestos liabilities as of December 31, 2004.

(3) ALLOCATION OF INTERIM PAYMENT.—The Administrator shall allocate the interim payment among the individual insurer participants on an equitable basis using the net held asbestos reserve information provided by insurer participants under subsection (a)(3)(B). Within 60 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register the name of each insurer participant, and the amount of the insurer participant's allocated share of the interim payment. The use of net held asbestos reserves as the basis to determine an interim allocation shall not be binding on the Administrator in the determination of an appropriate final allocation methodology under this section. All payments required under this paragraph shall be credited against the participant's ultimate payment obligation to the Fund established by the Commission. If an interim payment exceeds the ultimate payment, the Fund shall pay interest on the amount of the overpayment at a rate determined by the Administrator. If the ultimate payment exceeds the interim payment, the participant shall pay interest on the amount of the underpayment at the same rate. Any participant may seek an exemption from or reduction in any payment required under this subsection under the financial hardship and exceptional circumstance standards established under subsection (a)(3)(E).

(4) APPEAL OF INTERIM PAYMENT DECISIONS.—A decision by the Administrator to establish an interim payment obligation shall be considered final agency action and reviewable under section 303, except that the reviewing court may not stay an interim payment during the pendency of the appeal.

(f) TRANSFER OF AUTHORITY FROM THE COMMISSION TO THE ADMINISTRATOR.—

(1) IN GENERAL.—Upon termination of the Commission under section 215, the Administrator shall assume all the responsibilities and authority of the Commission, except that the Administrator shall not have the power to modify the allocation methodology established by the Commission or by certified agreement or to promulgate a rule establishing any such methodology.

(2) FINANCIAL HARDSHIP AND EXCEPTIONAL CIRCUMSTANCE ADJUSTMENTS.—Upon termination of the Commission under section 215, the Administrator shall have the authority, upon application by any insurer participant, to make adjustments to annual payments upon the same grounds as provided in subsection (a)(3)(D). Adjustments granted under this subsection shall have a term not to exceed 3 years. An insurer participant may renew its adjustment by demonstrating that it remains justified. Upon the grant of any adjustment, the Administrator shall increase the payments, *consistent with subsection (a)(1)(B),* required of all other insurer participants so that there is no reduction in the aggregate payment required of all insurer participants for the applicable years. The increase in an insurer participant's required payment shall be in proportion to such participant's share of the aggregate payment obligation of all insurer participants.

(3) CREDITS FOR SHORTFALL ASSESSMENTS.—If insurer participants are required during the first 5 years of the life of the Fund to make up any shortfall in required insurer payments under subsection (a)(1)(B), then, beginning in year 6, the Administrator shall grant each insurer participant a credit against its annual required payments during the applicable years that in the aggregate equal the amount of shortfall assessments paid by such insurer participant during the first 5 years of the life of the Fund. The credit shall be prorated over the same number of years as the number of years during which the insurer participant paid a shortfall assessment. Insurer participants which did not pay all required payments to the Fund during the first 5 years of the life of the Fund shall not be eligible for a credit. The Administrator shall not grant a credit for shortfall assessments imposed under section 405(e).

[(3)]*(4)* FINANCIAL SECURITY REQUIREMENTS.—Whenever an insurer participant's A.M. Best's claims payment rating or Standard and Poor's financial strength rating falls below A−, and until such time as either the insurer participant's A.M. Best's Rating or Standard and Poor's rating is equal to or greater than A−, the Administrator shall have the authority to require that the participating insurer either—

(A) pay the present value of its remaining Fund payments at a discount rate determined by the Administrator; or

(B) provide an evergreen letter of credit or financial guarantee for future payments issued by an institution with an A.M. Best's claims payment rating or Standard & Poor's financial strength rating of at least A+.

(g) ACCOUNTING TREATMENT.—Insurer participants' payment obligations to the Fund shall be subject to discounting under the applicable accounting guidelines for generally accepted accounting purposes and statutory accounting purposes for each insurer participant. This subsection shall in no way reduce the amount of monetary payments to the Fund by insurer participants as required under subsection (a).

[(g)]*(h)* JUDICIAL REVIEW.—The Commission's rule establishing an allocation methodology, its final determinations of payment obligations and other final action shall be judicially reviewable as provided in title III.

SEC. 213. POWERS OF ASBESTOS INSURERS COMMISSION.

(a) RULEMAKING.—The Commission shall promulgate such rules and regulations as necessary to implement its authority under this Act, including regulations governing an allocation methodology. Such rules and regulations shall be promulgated after providing interested parties with the opportunity for notice and comment.

(b) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission shall also hold a hearing on any proposed regulation establishing an allocation methodology, before the Commission's adoption of a final regulation.

(c) INFORMATION FROM FEDERAL AND STATE AGENCIES.—The Commission may secure directly from any Federal or State department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) GIFTS.—The Commission may not accept, use, or dispose of gifts or donations of services or property.

(f) EXPERT ADVICE.—In carrying out its responsibilities, the Commission may enter into such contracts and agreements as the Commission determines necessary to obtain expert advice and analysis.

SEC. 214. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 215. TERMINATION OF ASBESTOS INSURERS COMMISSION.

The Commission shall terminate 90 days after the last date on which the Commission makes a final determination of contribution under section 212(b) or 90 days after the last appeal of any final action by the Commission is exhausted, whichever occurs later.

SEC. 216. EXPENSES AND COSTS OF COMMISSION.

All expenses of the Commission shall be paid from the Fund.

Subtitle C—Asbestos Injury Claims Resolution Fund

SEC. 221. ESTABLISHMENT OF ASBESTOS INJURY CLAIMS RESOLUTION FUND.

(a) ESTABLISHMENT.—There is established in the Office of Asbestos Disease Compensation the Asbestos Injury Claims Resolution Fund, which shall be available to pay—

(1) claims for awards for an eligible disease or condition determined under title I;

(2) claims for reimbursement for medical monitoring determined under title I;

(3) principal and interest on borrowings under subsection (b);

(4) the remaining obligations to the asbestos trust of a debtor and the class action trust under section 405(f)(8); and

(5) administrative expenses to carry out the provisions of this Act.

(b) BORROWING AUTHORITY.—

(1) IN GENERAL.—The Administrator is authorized to borrow from time to time amounts as set forth in this subsection, for purposes of enhancing liquidity available to the Fund for carrying out the obligations of the Fund under this Act. The Administrator may authorize borrowing in such form, over such term, with such necessary disclosure to its lenders as will most efficiently enhance the Fund's liquidity.

(2) FEDERAL FINANCING BANK.—In addition to the general authority in paragraph (1), the Administrator may borrow from the Federal Financing Bank in accordance with section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285), as needed for performance of the Administrator's duties under this Act for the first 5 years.

(3) BORROWING CAPACITY.—The maximum amount that may be borrowed under this subsection at any given time is the amount that, taking into account all payment obligations related to all previous amounts borrowed in accordance with this subsection and all committed obligations of the Fund at the time of borrowing, can be repaid in full (with interest) in a timely fashion from—

(A) the available assets of the Fund as of the time of borrowing; and

(B) all amounts expected to be paid by participants during the subsequent 10 years.

[(4) REPAYMENT OBLIGATIONS.—Repayment of monies borrowed by the Administrator under this subsection is limited solely to amounts available in the Asbestos Injury Claims Resolution Fund established under this section.]

(4) REPAYMENT OBLIGATIONS.—Repayment of monies borrowed by the Administrator under this subsection shall be repaid in full by the Fund contributors and is limited solely to amounts available, present or future, in the Fund.

(c) LOCKBOX FOR SEVERE ASBESTOS-RELATED INJURY CLAIMANTS.—

(1) IN GENERAL.—Within the Fund, the Administrator shall establish the following accounts:

(A) A Mesothelioma Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level IX.

(B) A Lung Cancer Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level VIII.

(C) A Severe Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level V.

(D) A Moderate Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level IV.

(2) ALLOCATION.—The Administrator shall allocate to each of the 4 accounts established under paragraph (1) a portion of payments made to the Fund adequate to compensate all anticipated claimants for each account. Within 60 days after the date of enactment of this Act, and periodically during the life of the Fund, the Administrator shall determine an appropriate amount to allocate to each account after consulting appropriate epidemiological and statistical studies.

(d) AUDIT AUTHORITY.—

(1) IN GENERAL.—For the purpose of ascertaining the correctness of any information provided or payments made to the Fund, or determining whether a person who has not made a payment to the Fund was required to do so, or determining the liability of any person for a payment to the Fund, or collecting any such liability, or inquiring into any offense connected with the administration or enforcement of this title, the Administrator is authorized—

(A) to examine any books, papers, records, or other data which may be relevant or material to such inquiry;

(B) to summon the person liable for a payment under this title, or officer or employee of such person, or any person having possession, custody, or care of books of account containing entries relating to the business of the person liable or any other person the Administrator may deem proper, to appear before the Administrator at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and

(C) to take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry.

(2) FALSE, FRAUDULENT, OR FICTITIOUS STATEMENTS OR PRACTICES.—If the Administrator determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by persons submitting information to the Administrator or to the Asbestos Insurers Commission or any other person who provides evidence in support of such submissions for purposes of determining payment obligations under this Act, the Administrator may impose a civil penalty not to exceed $10,000 on any person found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this Act. The Administrator shall promulgate appropriate regulations to implement this paragraph.

(e) IDENTITY OF CERTAIN DEFENDANT PARTICIPANTS; TRANSPARENCY.—

(1) SUBMISSION OF INFORMATION.—Not later than 60 days after the date of enactment of this Act, any person who, acting in good faith, has knowledge that such person or such person's affiliated group has prior asbestos expenditures of $1,000,000 or greater, shall submit to the Administrator—

(A) either the name of such person, or such person's ultimate parent; and

(B) the likely tier to which such person or affiliated group may be assigned under this Act.

(2) PUBLICATION.—Not later than 20 days after the end of the 60-day period referred to in paragraph (1), the Administrator or Interim Administrator, if the Administrator is not yet appointed, shall publish in the Federal Register a list of submissions required by this subsection, including the name of such persons or ultimate parents and the likely tier to which such persons or affiliated groups may be assigned. After publication of such list, any person who, acting in good faith, has knowledge that any other person has prior asbestos expenditures of $1,000,000 or greater may submit to the Administrator or Interim Administrator information on the identity of that person and the person's prior asbestos expenditures.

(f) NO PRIVATE RIGHT OF ACTION.—Except as provided in sections 203(b)(2)(D)(ii) and 204(f)(3), there shall be no private right of action under any Federal or State law against any participant based on a claim of compliance or noncompliance with this Act or the involvement of any participant in the enactment of this Act.

SEC. 222. MANAGEMENT OF THE FUND.

(a) IN GENERAL.—Amounts in the Fund shall be held for the exclusive purpose of providing benefits to asbestos claimants and their beneficiaries[, including those provided in subsection (c)] and to otherwise defray the reasonable expenses of administering the Fund.

(b) INVESTMENTS.—

(1) IN GENERAL.—Amounts in the Fund shall be administered and invested with the care, skill, prudence, and diligence, under the circumstances prevailing at the time of such investment, that a prudent person acting in a like capacity and manner would use.

(2) STRATEGY.—The Administrator shall invest amounts in the Fund in a manner that enables the Fund to make current and future distributions to or for the benefit of asbestos claimants. In pursuing an investment strategy under this subparagraph, the Administrator shall consider, to the extent relevant to an investment decision or action—

(A) the size of the Fund;

(B) the nature and estimated duration of the Fund;

(C) the liquidity and distribution requirements of the Fund;

(D) general economic conditions at the time of the investment;

(E) the possible effect of inflation or deflation on Fund assets;

(F) the role that each investment or course of action plays with respect to the overall assets of the Fund;

(G) the expected amount to be earned (including both income and appreciation of capital) through investment of amounts in the Fund; and

(H) the needs of asbestos claimants for current and future distributions authorized under this Act.

[(c) MESOTHELIOMA RESEARCH AND TREATMENT CENTERS.—

[(1) IN GENERAL.—The Administrator shall provide $1,000,000 from the Fund for each of fiscal years 2005 through 2009 for each of up to 10 mesothelioma disease research and treatment centers.

[(2) REQUIREMENTS.—The Centers shall—

[(A) be chosen by the Director of the National Institutes of Health;

[(B) be chosen through competitive peer review;

[(C) be geographically distributed throughout the United States with special consideration given to areas of high incidence of mesothelioma disease;

[(D) be closely associated with Department of Veterans Affairs medical centers to provide research benefits and care to veterans who have suffered excessively from mesothelioma;

[(E) be engaged in research to provide mechanisms for detection and prevention of mesothelioma, particularly in the areas of pain management and cures;

[(F) be engaged in public education about mesothelioma and prevention, screening, and treatment;

[(G) be participants in the National Mesothelioma Registry; and

[(H) be coordinated in their research and treatment efforts with other Centers and institutions involved in exemplary mesothelioma research.

(d)]*(c)* BANKRUPTCY TRUST GUARANTEE.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Administrator shall have the authority to impose a pro rata surcharge on all participants under this subsection to ensure the liquidity of the Fund, if—

(A) the declared assets from 1 or more bankruptcy trusts established under a plan of reorganization confirmed and substantially consummated on or before July 31, 2004, are not available to the Fund because a final judgment that has been entered by a court and is no longer subject to any appeal or review has enjoined the transfer of assets required under section 524(j)(2) of title 11,

United States Code (as amended by section 402(f) of this Act); and

(B) borrowing is insufficient to assure the Fund's ability to meet its obligations under this Act such that the required borrowed amount is likely to increase the risk of termination of this Act under section 405 based on reasonable claims projections.

(2) ALLOCATION.—Any surcharge imposed under this subsection shall be imposed over a period of 5 years on a pro rata basis upon all participants, [in accordance with each participant's relative annual liability under this subtitle and subtitle B for those 5 years.] *in accordance with the relative aggregate funding obligations under sections 202(a)(2) and 212(a)(2)(A).*

(3) CERTIFICATION.—

(A) IN GENERAL.—Before imposing a surcharge under this subsection, the Administrator shall publish a notice in the Federal Register and provide in such notice for a public comment period of 30 days.

(B) CONTENTS OF NOTICE.—The notice required under subparagraph (A) shall include—

(i) information explaining the circumstances that make a surcharge necessary and a certification that the requirements under paragraph (1) are met;

(ii) the amount of the declared assets from any trust established under a plan of reorganization confirmed and substantially consummated on or before July 31, 2004, that was not made, or is no longer, available to the Fund;

(iii) the total aggregate amount of the necessary surcharge; and

(iv) the surcharge amount for each tier and subtier of defendant participants and for each insurer participant.

(C) FINAL NOTICE.—The Administrator shall publish a final notice in the Federal Register and provide each participant with written notice of that participant's schedule of payments under this subsection. In no event shall any required surcharge under this subsection be due before 60 days after the Administrator publishes the final notice in the Federal Register and provides each participant with written notice of its schedule of payments.

(4) MAXIMUM AMOUNT.—In no event shall the total aggregate surcharge imposed by the Administrator exceed the lesser of—

(A) the total aggregate amount of the declared assets of the trusts established under a plan of reorganization confirmed and substantially consummated prior to July 31, 2004, that are no longer available to the Fund; or

(B) $4,000,000,000.

(5) DECLARED ASSETS.—

(A) IN GENERAL.—In this subsection, the term ''declared assets'' means—

(i) the amount of assets transferred by any trust established under a plan of reorganization confirmed and substantially consummated on or before July 31, 2004, to the Fund that is required to be returned to that trust under the final judgment described in paragraph (1)(A); or

(ii) if no assets were transferred by the trust to the Fund, the amount of assets the Administrator determines would have been available for transfer to the Fund from that trust under section 402(f).

(B) DETERMINATION.—In making a determination under subparagraph (A)(ii), the Administrator may rely on any information reasonably available, and may request, and use subpoena authority of the Administrator if necessary to obtain, relevant information from any such trust or its trustees.

[(e)]*(d)* BANKRUPTCY TRUST CREDITS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, but subject to paragraph (2) of this subsection, the Administrator shall provide a credit toward the aggregate payment obligations under sections 202(a)(2) and 212(a)(2)(A) for assets received by the Fund from any bankruptcy trust established under a plan of reorganization confirmed and substantially consummated after July 31, 2004.

(2) ALLOCATION OF CREDITS.—The Administrator shall allocate, for each such bankruptcy trust, the credits for such assets between the defendant and insurer aggregate payment obligations as follows:

(A) DEFENDANT PARTICIPANTS.—The aggregate amount that all persons other than insurers contributing to the bankruptcy trust would have been required to pay as Tier I defendants under section 203(b) if the plan of reorganization under which the bankruptcy trust was established had not been confirmed and substantially consummated and the proceeding under chapter 11 of title 11, United States Code, that resulted in the establishment of the bankruptcy trust had remained pending as of the date of enactment of this Act.

(B) INSURER PARTICIPANTS.—The aggregate amount of all credits to which insurers are entitled to under section 202(c)(4)(A) of the Act.

SEC. 223. ENFORCEMENT OF PAYMENT OBLIGATIONS.

(a) DEFAULT.—If any participant fails to make any payment in the amount of and according to the schedule under this Act or as prescribed by the Administrator, after demand and a 30-day opportunity to cure the default, there shall be a lien in favor of the United States for the amount of the delinquent payment (including interest) upon all property and rights to property, whether real or personal, belonging to such participant.

(b) BANKRUPTCY.—In the case of a bankruptcy or insolvency proceeding, the lien imposed under subsection (a) shall be treated in the same manner as a lien for taxes due and owing to the United States for purposes of the provisions of title 11, United States Code, or section 3713(a) of title 31, United States Code. The United States Bankruptcy Court shall have jurisdiction over any issue or controversy regarding lien priority and lien perfection arising in a bankruptcy case due to a lien imposed under subsection (a).

(c) CIVIL ACTION.—

(1) IN GENERAL.—In any case in which there has been a refusal or failure to pay any liability imposed under this Act, the Administrator may bring a civil action in [the United States District Court for the District of Columbia,] *any appropriate United States District Court,* or any other appropriate lawsuit or proceeding outside of the United States—

(A) to enforce the liability and any lien of the United States imposed under this section;

(B) to subject any property of the participant, including any property in which the participant has any right, title, or interest to the payment of such liability; or

(C) for temporary, preliminary, or permanent relief.

(2) ADDITIONAL PENALTIES.—In any action under paragraph (1) in which the refusal or failure to pay was willful, the Administrator may seek recovery—

(A) of punitive damages;

(B) of the costs of any civil action under this subsection, including reasonable fees incurred for collection, expert witnesses, and attorney's fees; and

(C) in addition to any other penalty, of a fine equal to the total amount of the liability that has not been collected.

(d) ENFORCEMENT AUTHORITY AS TO INSURER PARTICIPANTS.—

(1) IN GENERAL.—In addition to or in lieu of the enforcement remedies described in subsection (c), the Administrator may seek to recover amounts in satisfaction of a payment not timely paid by an insurer participant under the procedures under this subsection.

(2) SUBROGATION.—To the extent required to establish personal jurisdiction over nonpaying insurer participants, the Administrator shall be deemed to be subrogated to the contractual rights of participants to seek recovery from nonpaying insuring participants that are domiciled outside the United States under the policies of liability insurance or contracts of liability reinsurance or retrocessional reinsurance applicable to asbestos claims, and the Administrator may bring an action or an arbitration against the nonpaying insurer participants under the provisions of such policies and contracts, provided that—

(A) any amounts collected under this subsection shall not increase the amount of deemed erosion allocated to any policy or contract under section 404, or otherwise reduce coverage available to a participant; and

(B) subrogation under this subsection shall have no effect on the validity of the insurance policies or reinsurance, and any contrary State law is expressly preempted.

(3) RECOVERABILITY OF CONTRIBUTION.—For purposes of this subsection—

(A) all contributions to the Fund required of a participant shall be deemed to be sums legally required to be paid for bodily injury resulting from exposure to asbestos;

(B) all contributions to the Fund required of any participant shall be deemed to be a single loss arising from a single occurrence under each contract to which the Administrator is subrogated; and

(C) with respect to reinsurance contracts, all contributions to the Fund required of a participant shall be deemed to be payments to a single claimant for a single loss.

(4) NO CREDIT OR OFFSET.—In any action brought under this subsection, the nonpaying insurer or reinsurer shall be entitled to no credit or offset for amounts collectible or potentially collectible from any participant nor shall such defaulting participant have any right to collect any sums payable under this section from any participant.

(5) COOPERATION.—Insureds and cedents shall cooperate with the Administrator's reasonable requests for assistance in any such proceeding. The positions taken or statements made by the Administrator in any such proceeding shall not be binding on or attributed to the insureds or cedents in any other proceeding. The outcome of such a proceeding shall not have a preclusive effect on the insureds or cedents in any other proceeding and shall not be admissible against any subrogee under this section. The Administrator shall have the authority to settle or compromise any claims against a nonpaying insurer participant under this subsection.

(e) BAR ON UNITED STATES BUSINESS.—If any direct insurer or reinsurer refuses to [furnish any information requested by or to pay any contribution required by this Act, then, in addition to any other penalties imposed by this Act, the Administrator [may] *shall* issue an order barring such entity and its affiliates from insuring risks located within the United States or otherwise doing business within the United States *unless and until it complies. If any direct insurer or reinsurer refuses to furnish any information requested by the Administrator, the Administrator may issue an order barring such entity and its affiliates from insuring risks located within the United States or otherwise doing business within the United States unless and until it complies.* Insurer participants or their affiliates seeking to obtain a license from any State to write any type of insurance shall be barred

from obtaining any such license until payment of all contributions required as of the date of license application.

(f) CREDIT FOR REINSURANCE.—If the Administrator determines that an insurer participant that is a reinsurer is in default in paying any required contribution or otherwise not in compliance with this Act, the Administrator may issue an order barring any direct insurer participant from receiving credit for reinsurance purchased from the defaulting reinsurer *after the date of the Administrator's determination of default*. Any State law governing credit for reinsurance to the contrary is preempted.

(g) DEFENSE LIMITATION.—In any proceeding under this section, the participant shall be barred from bringing any challenge to any determination of the Administrator or the Asbestos Insurers Commission regarding its liability under this Act, or to the constitutionality of this Act or any provision thereof, if such challenge could have been made during the review provided under section 204(i)(10), or in a judicial review proceeding under section 303.

(h) DEPOSIT OF FUNDS.—

(1) IN GENERAL.—Any funds collected under subsection (c)(2) (A) or (C) shall be—

(A) deposited in the Fund; and

(B) used only to pay—

(i) claims for awards for an eligible disease or condition determined under title I; or

(ii) claims for reimbursement for medical monitoring determined under title I.

(2) NO EFFECT ON OTHER LIABILITIES.—The imposition of a fine under subsection (c)(2)(C) shall have no effect on—

(A) the assessment of contributions under subtitles A and B; or

(B) any other provision of this Act.

(i) PROPERTY OF THE ESTATE.—Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (4)(B)(ii), by striking ''or'' at the end;

(2) in paragraph (5), by striking ''prohibition.'' and inserting ''prohibition; or''; and

(3) by inserting after paragraph (5) and before the last undesignated sentence the following:

''(6) the value of any pending claim against or the amount of an award granted from the Asbestos Injury Claims Resolution Fund established under the Fairness in Asbestos Injury Resolution Act of 2005.''.

(j) PROPOSED TRANSACTIONS.—

(1) NOTICE OF PROPOSED TRANSACTION.—Any participant that has taken any action to effectuate a proposed transaction or a proposed series of transactions under which a significant portion of such participant's assets, properties or business will, if consummated as proposed, be, directly or indirectly, transferred by any means (including, without limitation, by sale, dividend, contribution to a subsidiary or spin-off) to 1 or more persons other than the participant shall provide written notice to the Administrator of such proposed transaction (or proposed series of transactions). Upon the request of such participant, and for so long as the participant shall not publicly disclose the transaction or series of transactions and the Administrator shall not commence any action under paragraph (6), the Administrator shall treat any such notice as confidential commercial information under section 552 of title 5, United States Code.

(2) TIMING OF NOTICE AND RELATED ACTIONS.—

(A) IN GENERAL.—Any notice that a participant is required to give under paragraph (1) shall be given not later than 30 days before the date of consummation of the proposed transaction or the first transaction to occur in a proposed series of transactions.

(B) OTHER NOTIFICATIONS.—

(i) IN GENERAL.—Not later than the date in any year by which a participant is required to make its contribution to the Fund, the participant shall deliver to the Administrator a written certification stating that—

(I) the participant has complied during the period since the last such certification or the date of enactment of this Act with the notice requirements set forth in this subsection; or

(II) the participant was not required to provide any notice under this subsection during such period.

(ii) SUMMARY.—The Administrator shall include in the annual report required to be submitted to Congress under section 405 a summary of all such notices (after removing all confidential identifying information) received during the most recent fiscal year.

(C) NOTICE COMPLETION.—The Administrator shall not consider any notice given under paragraph (1) as given until such time as the Administrator receives substantially all the information required by this subsection.

(3) CONTENTS OF NOTICE.—

(A) IN GENERAL.—The Administrator shall determine by rule or regulation the information to be included in the notice required under this subsection, which shall include such information as may be necessary to enable the Administrator to determine whether—

(i) the person or persons to whom the assets, properties or business are being transferred in the proposed transaction (or proposed series of transactions) should be considered to be the successor in interest of the participant for purposes of this Act, or

(ii) the proposed transaction (or proposed series of transactions) would, if consummated, be subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is subject to a case under title 11, United States Code.

(B) STATEMENTS.—The notice shall also include—

(i) a statement by the participant as to whether it believes any person will or has become a successor in interest to the participant for purposes of this Act and, if so, the identity of that person; and

(ii) a statement by the participant as to whether that person has acknowledged that it will or has become a successor in interest for purposes of this Act.

(4) DEFINITION.—In this subsection, the term ''significant portion of the assets, properties or business of a participant'' means assets (including, without limitation, tangible or intangible assets, securities and cash), properties or business of such participant (or its affiliated group, to the extent that the participant has elected to be part of an affiliated group under section 204(f)) that, together with any other asset, property or business transferred by such participant in any of the previous completed 5 fiscal years of such participant (or, as appropriate, its affiliated group), and as determined in accordance with United States generally accepted accounting principles as in effect from time to time—

(A) generated at least 40 percent of the revenues of such participant (or its affiliated group);

(B) constituted at least 40 percent of the assets of such participant (or its affiliated group);

(C) generated at least 40 percent of the operating cash flows of such participant (or its affiliated group); or

(D) generated at least 40 percent of the net income or loss of such participant (or its affiliated group),

as measured during any of such 5 previous fiscal years.

(5) CONSUMMATION OF TRANSACTION.—Any proposed transaction (or proposed series of transactions) with respect to which a participant is required to provide notice under paragraph (1) may not be consummated until at least 30 days after delivery to the Administrator of such notice, unless the Administrator shall earlier terminate the notice period. The Administrator shall endeavor whenever possible to terminate a notice period at the earliest practicable time.

(6) RIGHT OF ACTION.—

(A) IN GENERAL.—Notwithstanding section 221(f), if the Administrator or any participant believes that a participant proposes to engage or has engaged, directly or indirectly, in, or is the subject of, a transaction (or series of transactions)—

(i) involving a person or persons who, as a result of such transaction (or series of transactions), may have or may become the successor in interest or successors in interest of such participant, where the status or potential status as a successor in interest has not been stated and acknowledged by the participant and such person; or

(ii) that may be subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is a subject to a case under title 11, United States Code,

then the Administrator or such participant may, as a deemed creditor under applicable law, bring a civil action in an appropriate forum against the participant or any other person who is either a party to the transaction (or series of transactions) or the recipient of any asset, property or business of the participant.

(B) RELIEF ALLOWED.—In any action commenced under this subsection, the Administrator or a participant, as applicable, may seek—

(i) with respect to a transaction (or series of transactions) referenced in clause (i) of subparagraph (A), a declaratory judgment regarding whether such person will or has become the successor in interest of such participant; or

(ii) with respect to a transaction (or series of transactions) referenced in clause (ii) of subparagraph (A)—

(I) a temporary restraining order or a preliminary or permanent injunction against such transaction (or series of transactions); or

(II) such other relief regarding such transaction (or series of transactions) as the court determines to be necessary to ensure that performance of a participant's payment obligations under this Act is not materially impaired by reason of such transaction (or series of transactions).

(C) APPLICABILITY.—If the Administrator or a participant wishes to challenge a statement made by a participant that a person will not or has not become a successor in interest for purposes of this Act, then this paragraph shall be the exclusive means by which the determination of whether such person will or has become a successor in interest of the participant shall be made. This paragraph shall not preempt any other rights of any person under applicable Federal or State law.

(D) VENUE.—Any action under this paragraph shall be brought in any appropriate United States district court or, to the extent necessary to obtain complete relief, any other appropriate forum outside of the United States.

(7) RULES AND REGULATIONS.—The Administrator may promulgate regulations to effectuate the intent of this subsection, including regulations relating to the form, timing and content of notices.

SEC. 224. INTEREST ON UNDERPAYMENT OR NONPAYMENT.

If any amount of payment obligation under this title is not paid on or before the last date prescribed for payment, the liable party shall pay interest on such amount at the Federal short-term rate determined under section 6621(b) of the Internal Revenue Code of 1986, plus 5 percentage points, for the period from such last date to the date paid.

SEC. 225. EDUCATION, CONSULTATION, SCREENING, AND MONITORING.

(a) IN GENERAL.—The Administrator shall establish a program for the education, consultation, medical screening, and medical monitoring of persons with exposure to asbestos. The program shall be funded by the Fund.

(b) OUTREACH AND EDUCATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish an outreach and education program, including a website designed to provide information about asbestos-related medical conditions to members of populations at risk of developing such conditions.

(2) INFORMATION.—The information provided under paragraph (1) shall include information about—

(A) the signs and symptoms of asbestos-related medical conditions;

(B) the value of appropriate medical screening programs; and

(C) actions that the individuals can take to reduce their future health risks related to asbestos exposure.

(3) CONTRACTS.—Preference in any contract under this subsection shall be given to providers that are existing nonprofit organizations with a history and experience of providing occupational health outreach and educational programs for individuals exposed to asbestos.

(c) MEDICAL SCREENING PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—Not sooner than 18 months or later than 24 months after the Administrator certifies that the Fund is fully operational and processing claims at a reasonable rate, the Administrator shall adopt guidelines establishing a medical screening program for individuals at high risk of asbestos-related disease resulting from an asbestos-related disease. In promulgating such guidelines, the Administrator shall consider the views of the Advisory Committee on Asbestos Disease Compensation, the Medical Advisory Committee, and the public.

(2) ELIGIBILITY CRITERIA.—

(A) IN GENERAL.—The guidelines promulgated under this subsection shall establish criteria for participation in the medical screening program.

(B) CONSIDERATIONS.—In promulgating eligibility criteria the Administrator shall take into consideration all factors relevant to the individual's effective cumulative exposure to asbestos, including—

(i) any industry in which the individual worked;

(ii) the individual's occupation and work setting;

(iii) the historical period in which exposure took place;

(iv) the duration of the exposure;

(v) the intensity and duration of non-occupational exposures; [and]

(vi) the intensity and duration of exposure to risk levels of naturally occurring asbestos as defined by the Environmental Protection Agency; and

[(vi)]*(vii)* any other factors that the Administrator determines relevant.

(3) PROTOCOLS.—The guidelines developed under this subsection shall establish protocols for medical screening, which shall include—

(A) administration of a health evaluation and work history questionnaire;

(B) an evaluation of smoking history;

(C) a physical examination by a qualified physician with a doctor-patient relationship with the individual;

(D) a chest x-ray read by a certified B-reader as defined under section 121(a)(4); and

(E) pulmonary function testing as defined under section 121(a)(13).

(4) FREQUENCY.—The Administrator shall establish the frequency with which medical screening shall be provided or be made available to eligible individuals, which shall be not less than every 5 years.

(5) PROVISION OF SERVICES.—The Administrator shall provide medical screening to eligible individuals directly or by contract with another agency of the Federal Government, with State or local governments, or with private providers of medical services. The Administrator shall establish strict qualifications for the providers of such services, and shall periodically audit the providers of services under this subsection, to ensure their integrity, high degree of competence, and compliance with all applicable technical and professional standards. No provider of medical screening services may have earned more than 15 percent of their income from the provision of services of any kind in connection with asbestos litigation in any of the 3 years preceding the date of enactment of this Act. All contracts with providers of medical screening services under this subsection shall contain provisions [allowing the Administrator to terminate] *for reimbursement of screening services at a reasonable rate and termination of* such contracts for cause if the Administrator determines that the service provider fails to meet the qualifications established under this subsection.

(6) LIMITATION OF COMPENSATION FOR SERVICES.—The compensation required to be paid to a provider of medical screening services for such services furnished to an eligible individual shall be limited to the amount that would be reimbursed at the time of the furnishing of such services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for similar services if[—

[(A) the individual were entitled to benefits under part A of such title and enrolled under part B of such title; and

(B)] such services are covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) FUNDING; PERIODIC REVIEW.—

(A) FUNDING.—The Administrator shall make such funds available from the Fund to implement this section, *with a minimum of $20,000,000* but not more than $30,000,000 each year in each of the 5 years following the effective date of the medical screening program. Notwithstanding the preceding sentence, the Administrator shall suspend the operation of the program or reduce its funding level if necessary to preserve the solvency of the Fund and to prevent the sunset of the overall program under section 405(f).

(B) REVIEW.—*The Administrator may reduce the amount of funding below $20,000,000 each year if the program is fully implemented.* The Administrator's first annual report under section 405 following the close of the 4th year of operation of the medical screening program shall include an analysis of the usage of the program, its cost and effectiveness, its medical value, and the need to continue that program for an additional 5-year period. The Administrator shall also recommend to Congress any improvements that may be required to make the program more effective, efficient, and economical, and shall recommend a funding level for the program for the 5 years following the period of initial funding referred to under subparagraph (A).

(d) LIMITATION.—In no event shall the total amount allocated to the medical screening program established under this subsection over the lifetime of the Fund exceed $600,000,000.

(e) MEDICAL MONITORING PROGRAM AND PROTOCOLS.—

(1) IN GENERAL.—The Administrator shall establish procedures for a medical monitoring program for persons exposed to asbestos who have been approved for level I compensation under section 131.

(2) PROCEDURES.—The procedures for medical monitoring shall include—

(A) specific medical tests to be provided to eligible individuals and the periodicity of those tests, which shall initially be provided every 3 years and include—

(i) administration of a health evaluation and work history questionnaire;

(ii) physical examinations, including blood pressure measurement, chest examination, and examination for clubbing;

(iii) AP and lateral chest x-ray; and

(iv) spirometry performed according to ATS standards;

(B) qualifications of medical providers who are to provide the tests required under subparagraph (A); and

(C) administrative provisions for reimbursement from the Fund of the costs of monitoring eligible claimants, including the costs associated with the visits of the claimants to physicians in connection with medical monitoring, and with the costs of performing and analyzing the tests.

(3) PREFERENCES.—

(A) IN GENERAL.—In administering the monitoring program under this subsection, preference shall be given to medical and program providers with—

(i) a demonstrated capacity for identifying, contacting, and evaluating populations of workers or others previously exposed to asbestos; and

(ii) experience in establishing networks of medical providers to conduct medical screening and medical monitoring examinations.

(B) PROVISION OF LISTS.—Claimants that are eligible to participate in the medical monitoring program shall be provided with a list of approved providers in their geographic area at the time such claimants become eligible to receive medical monitoring.

(f) CONTRACTS.—The Administrator may enter into contracts with qualified program providers that would permit the program providers to undertake large-scale medical screening and medical monitoring programs by means of subcontracts with a network of medical providers, or other health providers.

(g) REVIEW.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Administrator shall review, and if necessary update, the protocols and procedures established under this section.

SEC. 226. NATIONAL MESOTHELIOMA RESEARCH AND TREATMENT PROGRAM.

(a) IN GENERAL.—There is established the National Mesothelioma Research and Treatment Program (referred to in this section as the ''Program'') to investigate and advance the detection, prevention, treatment, and cure of malignant mesothelioma.

(b) MESOTHELIOMA CENTERS.—

(1) IN GENERAL.—The Administrator shall make available $1,500,000 from the Fund, and the Director of the National Institutes of Health shall make available $1,000,000 from amounts available to the Director, for each of fiscal years 2006 through 2015, for the establishment of each of 10 mesothelioma disease research and treatment centers.

(2) REQUIREMENTS.—The Director of the National Institutes of Health, in consultation with the Medical Advisory Committee, shall conduct a competitive peer review process to select sites for the centers described in paragraph (1). The Director shall ensure that sites selected under this paragraph are—

(A) geographically distributed throughout the United States with special consideration given to areas of high incidence of mesothelioma disease;

(B) closely associated with Department of Veterans Affairs medical centers, in order to provide research benefits and care to veterans who have suffered excessively from mesothelioma;

(C) engaged in exemplary laboratory and clinical mesothelioma research, including clinical trials, to provide mechanisms for effective therapeutic treatments, as well as detection and prevention, particularly in areas of palliation of disease symptoms and pain management;

(D) participants in the National Mesothelioma Registry and Tissue Bank under subsection (c)

and the annual International Mesothelioma Symposium under subsection (d)(2)(E);

(E) with respect to research and treatment efforts, coordinated with other centers and institutions involved in exemplary mesothelioma research and treatment;

(F) able to facilitate transportation and lodging for mesothelioma patients, so as to enable patients to participate in the newest developing treatment protocols, and to enable the centers to recruit patients in numbers sufficient to conduct necessary clinical trials; and

(G) nonprofit hospitals, universities, or medical or research institutions incorporated or organized in the United States.

(c) MESOTHELIOMA REGISTRY AND TISSUE BANK.—

(1) ESTABLISHMENT.—The Administrator shall make available $1,000,000 from the Fund, and the Director of the National Institutes of Health shall make available $1,000,000 from amounts available to the Director, for each of fiscal years 2006 through 2015 for the establishment, maintenance, and operation of a National Mesothelioma Registry to collect data regarding symptoms, pathology, evaluation, treatment, outcomes, and quality of life and a Tissue Bank to include the pre- and post-treatment blood (serum and blood cells) specimens as well as tissue specimens from biopsies and surgery. Not less than $500,000 of the amount made available under the preceding sentence in each fiscal year shall be allocated for the collection and maintenance of tissue specimens.

(2) REQUIREMENTS.—The Director of the National Institutes of Health, with the advice and consent of the Medical Advisory Committee, shall conduct a competitive peer review process to select a site to administer the Registry and Tissue Bank described in paragraph (1). The Director shall ensure that the site selected under this paragraph—

(A) is available to all mesothelioma patients and qualifying physicians throughout the United States;

(B) is subject to all applicable medical and patient privacy laws and regulations;

(C) is carrying out activities to ensure that data is accessible via the Internet; and

(D) provides data and tissue samples to qualifying researchers and physicians who apply for such data in order to further the understanding, prevention, screening, diagnosis, or treatment of malignant mesothelioma.

(d) CENTER FOR MESOTHELIOMA EDUCATION.—

(1) ESTABLISHMENT.—The Administrator shall make available $1,000,000 from the Fund, and the Director of the National Institutes of Health shall make available $1,000,000 from amounts available to the Director, for each of fiscal years 2006 through 2015 for the establishment, with the advice and consent of the Medical Advisory Committee, of a Center for Mesothelioma Education (referred to in this section as the ''Center'') to—

(A) promote mesothelioma awareness and education;

(B) assist mesothelioma patients and their family members in obtaining necessary information; and

(C) work with the centers established under subsection (b) in advancing mesothelioma research.

(2) ACTIVITIES.—The Center shall—

(A) educate the public about the new initiatives contained in this section through a National Mesothelioma Awareness Campaign;

(B) develop and maintain a Mesothelioma Educational Resource Center (referred to in this section as the ''MERCI''), that is accessible via the Internet, to provide mesothelioma patients, family members, and front-line physicians with comprehensive, current information on mesothelioma and its treatment, as well as on the existence of, and general claim procedures for the Asbestos Injury Claims Resolution Fund;

(C) through the MERCI and otherwise, educate mesothelioma patients, family members, and front-line physicians about, and encourage such individuals to participate in, the centers established under subsection (b), the Registry and the Tissue Bank;

(D) complement the research efforts of the centers established under subsection (b) by awarding competitive, peer-reviewed grants for the training of clinical specialist fellows in mesothelioma, and for highly innovative, experimental or pre-clinical research; and

(E) conduct an annual International Mesothelioma Symposium.

(3) REQUIREMENTS.—The Center shall—

(A) be a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

(B) be a separate entity from and not an affiliate of any hospital, university, or medical or research institution; and

(C) demonstrate a history of program spending that is devoted specifically to the mission of extending the survival of current and future mesothelioma patients, including a history of soliciting, peer reviewing through a competitive process, and funding research grant applications relating to the detection, prevention, treatment, and cure of mesothelioma.

(4) CONTRACTS FOR OVERSIGHT.—The Director of the National Institutes of Health may enter into contracts with the Center for the selection and oversight of the centers established under subsection (b), or selection of the director of the Registry and the Tissue Bank under subsection (c) and oversight of the Registry and the Tissue Bank.

(e) REPORT AND RECOMMENDATIONS.—Not later than September 30, 2015, The Director of the National Institutes of Health shall, after opportunity for public comment and review, publish and provide to Congress a report and recommendations on the results achieved and information gained through the Program, including—

(1) information on the status of mesothelioma as a national health issue, including—

(A) annual United States incidence and death rate information and whether such rates are increasing or decreasing;

(B) the average prognosis; and

(C) the effectiveness of treatments and means of prevention;

(2) promising advances in mesothelioma treatment and research which could be further developed if the Program is reauthorized; and

(3) a summary of advances in mesothelioma treatment made in the 10-year period prior to the report and whether those advances would justify continuation of the Program and whether it should be reauthorized for an additional 10 years.

(f) SEVERABILITY.—If any provision of this Act, or amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act (including this section), the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(g) REGULATIONS.—The Director of the National Institutes of Health shall promulgate regulations to provide for the implementation of this section.

TITLE III—JUDICIAL REVIEW

SEC. 301. JUDICIAL REVIEW OF RULES AND REGULATIONS.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any action to review rules or regulations promulgated by the Administrator or the Asbestos Insurers Commission under this Act.

(b) PERIOD FOR FILING PETITION.—A petition for review under this section shall be filed not later than 60 days after the date notice of such promulgation appears in the Federal Register.

(c) EXPEDITED PROCEDURES.—The United States Court of Appeals for the District of Columbia shall provide for expedited procedures for reviews under this section.

SEC. 302. JUDICIAL REVIEW OF AWARD DECISIONS.

(a) IN GENERAL.—Any claimant adversely affected or aggrieved by a final decision of the Administrator awarding or denying compensation under title I may petition for judicial review of such decision. Any petition for review under this section shall be filed within 90 days of the issuance of a final decision of the Administrator.

(b) EXCLUSIVE JURISDICTION.—A petition for review may only be filed in the United States Court of Appeals for the circuit in which the claimant resides at the time of the issuance of the final order.

(c) STANDARD OF REVIEW.—The court shall uphold the decision of the Administrator unless the court determines, upon review of the record as a whole, that the decision is not supported by substantial evidence, is contrary to law, or is not in accordance with procedure required by law.

(d) EXPEDITED PROCEDURES.—The United States Court of Appeals shall provide for expedited procedures for reviews under this section.

SEC. 303. JUDICIAL REVIEW OF PARTICIPANTS' ASSESSMENTS.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any action to review a final determination by the Administrator or the Asbestos Insurers Commission regarding the liability of any person to make a payment to the Fund, including a notice of applicable subtier assignment under section 204(i), a notice of financial hardship or inequity determination under section 204(d), *a notice of a distributor's adjustment under section 204(m),* and a notice of insurer participant obligation under section 212(b).

(b) PERIOD FOR FILING ACTION.—A petition for review under subsection (a) shall be filed not later than 60 days after a final determination by the Administrator or the Commission giving rise to the action. Any defendant participant who receives a notice of its applicable subtier under section 204(i) [or], a notice of financial hardship or inequity determination under section 204(d), *or a notice of a distributor's adjustment under section 204(m),* shall commence any action within 30 days after a decision on rehearing under section 204(i)(10), and any insurer participant who receives a notice of a payment obligation under section 212(b) shall commence any action within 30 days after receiving such notice. The court shall give such action expedited consideration.

SEC. 304. OTHER JUDICIAL CHALLENGES.

(a) EXCLUSIVE JURISDICTION.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action for declaratory or injunctive relief challenging any provision of this Act. An action under this section shall be filed not later than 60 days after the date of enactment of this Act or 60 days after the final action by the Administrator or the Commission giving rise to the action, whichever is later.

(b) DIRECT APPEAL.—A final decision in the action shall be reviewable on appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 30 days, and the filing of a jurisdictional statement within 60 days, of the entry of the final decision.

(c) EXPEDITED PROCEDURES.—It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the

docket and to expedite to the greatest possible extent the disposition of the action and appeal.

SEC. 305. STAYS, EXCLUSIVITY, AND CONSTITUTIONAL REVIEW.

(a) NO STAYS.—

(1) PAYMENTS.—No court may issue a stay of payment by any party into the Fund pending its final judgment.

(2) LEGAL CHALLENGES.—No court may issue a stay or injunction pending final judicial action, including the exhaustion of all appeals, on a legal challenge to this Act or any portion of this Act.

(b) EXCLUSIVITY OF REVIEW.—An action of the Administrator or the Asbestos Insurers Commission for which review could have been obtained under section 301, 302, or 303 shall not be subject to judicial review in any other proceeding.

(c) CONSTITUTIONAL REVIEW.—

[(1) IN GENERAL.—Notwithstanding any other provision of law, any interlocutory or final judgment, decree, or order of a Federal court holding this Act, or any provision or application thereof, unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court.]

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action challenging the constitutionality of any provision or application of this Act. The following rules shall apply:

(A) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened under section 2284 of title 28, United States Code.

(B) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, after the entry of the final decision.

(C) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

[(2) PERIOD FOR FILING APPEAL.—Any such appeal shall be filed not more than 30 days after entry of such judgment, decree, or order.]

[(3)]*(2)* REPAYMENT TO ASBESTOS TRUST AND CLASS ACTION TRUST.—If the transfer of the assets of any asbestos trust of a debtor or any class action trust (or this Act as a whole) is held to be unconstitutional or otherwise unlawful, the Fund shall transfer the remaining balance of such assets (determined under section 405(f)(1)(A)(iii)) back to the appropriate asbestos trust or class action trust within 90 days after final judicial action on the legal challenge, including the exhaustion of all appeals.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FALSE INFORMATION.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

[“§ 1348. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund

[“(a) FRAUD RELATING TO ASBESTOS INJURY CLAIMS RESOLUTION FUND.—Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud the Office of Asbestos Disease Compensation or the Asbestos Insurers Commission under title II of the Fairness in Asbestos Injury Resolution Act of 2005 shall be fined under this title or imprisoned not more than 20 years, or both.

[“(b) FALSE STATEMENT RELATING TO ASBESTOS INJURY CLAIMS RESOLUTION FUND.—Whoever, in any matter involving the Office of Asbestos Disease Compensation or the Asbestos Insurers Commission, knowingly and willfully—

[“(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

[“(2) makes any materially false, fictitious, or fraudulent statements or representations; or

[“(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, in connection with the award of a claim or the determination of a participant’s payment obligation under title I or II of the Fairness in Asbestos Injury Resolution Act of 2005 shall be fined under this title or imprisoned not more than 10 years, or both.”.

[(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

[“1348. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund.”.]

“§ 1351. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund

“(a) FRAUD RELATING TO ASBESTOS INJURY CLAIMS RESOLUTION FUND.—Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud the Office of Asbestos Disease Compensation or the Asbestos Insurers Commission under title II of the Fairness in Asbestos Injury Resolution Act of 2005 shall be fined under this title or imprisoned not more than 20 years, or both.

“(b) FALSE STATEMENT RELATING TO ASBESTOS INJURY CLAIMS RESOLUTION FUND.—

“(1) IN GENERAL.—It shall be unlawful for any person, in any matter involving the Office of Asbestos Disease Compensation or the Asbestos Insurers Commission, to knowingly and willfully—

“(A) falsify, conceal, or cover up by any trick, scheme, or device a material fact;

“(B) make any materially false, fictitious, or fraudulent statement or representation; or

“(C) make or use any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, in connection with the award of a claim or the determination of a participant’s payment obligation under title I or II of the Fairness in Asbestos Injury Resolution Act of 2005.

“(2) PENALTY.—A person who violates this subsection shall be fined under this title or imprisoned not more than 10 years, or both.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

“1351. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund.”.

SEC. 402. EFFECT ON BANKRUPTCY LAWS.

(a) NO AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking “or” at the end;

(2) in paragraph (18), by striking the period at the end and inserting “; or”; and

(3) by inserting after paragraph (18) the following:

“(19) under subsection (a) of this section of the enforcement of any payment obligations under section 204 of the Fairness in Asbestos Injury Resolution Act of 2005, against a debtor, or the property of the estate of a debtor, that is a participant (as that term is defined in section 3 of that Act).”.

(b) ASSUMPTION OF EXECUTORY CONTRACT.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

“(p) If a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2005), the trustee shall be deemed to have assumed all executory contracts entered into by the participant under section 204 of that Act. The trustee may not reject any such executory contract.”.

(c) ALLOWED ADMINISTRATIVE EXPENSES.—Section 503 of title 11, United States Code, is amended by adding at the end the following:

“(c)(1) Claims or expenses of the United States, the Attorney General, or the Administrator (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2005) based upon the asbestos payment obligations of a debtor that is a Participant (as that term is defined in section 3 of that Act), shall be paid as an allowed administrative expense. The debtor shall not be entitled to either notice or a hearing with respect to such claims.

“(2) For purposes of paragraph (1), the term ‘asbestos payment obligation’ means any payment obligation under title II of the Fairness in Asbestos Injury Resolution Act of 2005.”.

(d) NO DISCHARGE.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

“(f) A discharge under section 727, 1141, 1228, or 1328 of this title does not discharge any debtor that is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2005) of the debtor’s payment obligations assessed against the participant under title II of that Act.”.

(e) PAYMENT.—Section 524 of title 11, United States Code, is amended by adding at the end the following:

“(i) PARTICIPANT DEBTORS.—

“(1) IN GENERAL.—Paragraphs (2) and (3) shall apply to a debtor who—

“(A) is a participant that has made prior asbestos expenditures (as such terms are defined in the Fairness in Asbestos Injury Resolution Act of 2005); and

“(B) is subject to a case under this title that is pending—

“(i) on the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2005; or

“(ii) at any time during the 1-year period preceding the date of enactment of that Act.

“(2) TIER I DEBTORS.—A debtor that has been assigned to Tier I under section 202 of the Fairness in Asbestos Injury Resolution Act of 2005, shall make payments in accordance with sections 202 and 203 of that Act.

“(3) TREATMENT OF PAYMENT OBLIGATIONS.—All payment obligations of a debtor under sections 202 and 203 of the Fairness in Asbestos Injury Resolution Act of 2005 shall—

“(A) constitute costs and expenses of administration of a case under section 503 of this title;

“(B) notwithstanding any case pending under this title, be payable in accordance with section 202 of that Act;

“(C) not be stayed;

“(D) not be affected as to enforcement or collection by any stay or injunction of any court; and

“(E) not be impaired or discharged in any current or future case under this title.”.

(f) TREATMENT OF TRUSTS.—Section 524 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

“(j) ASBESTOS TRUSTS.—

“(1) IN GENERAL.—A trust shall assign a portion of the corpus of the trust to the Asbestos Injury Claims Resolution Fund (referred to in this subsection as the ‘Fund’) as

established under the Fairness in Asbestos Injury Resolution Act of 2005 if the trust qualifies as a 'trust' under section 201 of that Act.

''(2) TRANSFER OF TRUST ASSETS.—

''(A) IN GENERAL.—

''(i) Except as provided under subparagraphs (B), (C), and (E), the assets in any trust established to provide compensation for asbestos claims (as defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2005) shall be transferred to the Fund not later than [6 months] *90 days* after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2005 or 30 days following funding of a trust established under a reorganization plan subject to section 202(c) of that Act. Except as provided under subparagraph (B), the Administrator of the Fund shall accept such assets and utilize them for any purposes of the Fund under section 221 of such Act, including the payment of claims for awards under such Act to beneficiaries of the trust from which the assets were transferred.

''(ii) Notwithstanding any other provision of Federal or State law, no liability of any kind may be imposed on a trustee of a trust for transferring assets to the Fund in accordance with clause (i).

''(B) AUTHORITY TO REFUSE ASSETS.—The Administrator of the Fund may refuse to accept any asset that the Administrator determines may create liability for the Fund in excess of the value of the asset.

''(C) ALLOCATION OF TRUST ASSETS.—If a trust under subparagraph (A) has beneficiaries with claims that are not asbestos claims, the assets transferred to the Fund under subparagraph (A) shall not include assets allocable to such beneficiaries. The trustees of any such trust shall determine the amount of such trust assets to be reserved for the continuing operation of the trust in processing and paying claims that are not asbestos claims. The trustees shall demonstrate to the satisfaction of the Administrator, or by clear and convincing evidence in a proceeding brought before the United States District Court for the District of Columbia in accordance with paragraph (4), that the amount reserved is properly allocable to claims other than asbestos claims.

''(D) SALE OF FUND ASSETS.—The investment requirements under section 222 of the Fairness in Asbestos Injury Resolution Act of 2005 shall not be construed to require the Administrator of the Fund to sell assets transferred to the Fund under subparagraph (A).

''(E) LIQUIDATED CLAIMS.—Except as specifically provided in this subparagraph, all asbestos claims against a trust are superseded and preempted as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2005, and a trust shall not make any payment relating to asbestos claims after that date. If, in the ordinary course and the normal and usual administration of the trust consistent with past practices, a trust had before the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2005, made all determinations necessary to entitle an individual claimant to a noncontingent cash payment from the trust, the trust shall (i) make any lump-sum cash payment due to that claimant, and (ii) make or provide for all remaining noncontingent payments on any award being paid or scheduled to be paid on an installment basis, in each case only to the same extent that the trust would have made such cash payments in the ordinary course and consistent with past practices before enactment of that Act. A trust shall not make any payment in respect of any alleged contingent right to recover any greater amount than the trust had already paid, or had completed all determinations necessary to pay, to a claimant in cash in accordance with its ordinary distribution procedures in effect as of June 1, 2003.

''(3) INJUNCTION.—

''(A) IN GENERAL.—Any injunction issued as part of the formation of a trust described in paragraph (1) shall remain in full force and effect. No court, Federal or State, may enjoin the transfer of assets by a trust to the Fund in accordance with this subsection pending resolution of any litigation challenging such transfer or the validity of this subsection or of any provision of the Fairness in Asbestos Injury Resolution Act of 2005, and an interlocutory order denying such relief shall not be subject to immediate appeal under section 1291(a) of title 28.

''(B) AVAILABILITY OF FUND ASSETS.—Notwithstanding any other provision of law, once such a transfer has been made, the assets of the Fund shall be available to satisfy any final judgment entered in such an action and such transfer shall no longer be subject to any appeal or review—

''(i) declaring that the transfer effected a taking of a right or property for which an individual is constitutionally entitled to just compensation; or

''(ii) requiring the transfer back to a trust of any or all assets transferred by that trust to the Fund.

''(4) JURISDICTION.—Solely for purposes of implementing this subsection, personal jurisdiction over every covered trust, the trustees thereof, and any other necessary party, and exclusive subject matter jurisdiction over every question arising out of or related to this subsection, shall be vested in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 1127 of this title, that court may make any order necessary and appropriate to facilitate prompt compliance with this subsection, including assuming jurisdiction over and modifying, to the extent necessary, any applicable confirmation order or other order with continuing and prospective application to a covered trust. The court may also resolve any related challenge to the constitutionality of this subsection or of its application to any trust, trustee, or individual claimant. The Administrator of the Fund may bring an action seeking such an order or modification, under the standards of rule 60(b) of the Federal Rules of Civil Procedure or otherwise, and shall be entitled to intervene as of right in any action brought by any other party seeking interpretation, application, or invalidation of this subsection. Any order denying relief that would facilitate prompt compliance with the transfer provisions of this subsection shall be subject to immediate appeal under section 304 of the Fairness in Asbestos Injury Resolution Act of 2005. Notwithstanding any other provision of this paragraph, for purposes of implementing the sunset provisions of section 402(f) of such Act which apply to asbestos trusts and the class action trust, the bankruptcy court or United States district court having jurisdiction over any such trust as of the date of enactment of such Act shall retain such jurisdiction.''.

(g) NO AVOIDANCE OF TRANSFER.—Section 546 of title 11, United States Code, is amended by adding at the end the following:

''(h) Notwithstanding the rights and powers of a trustee under sections 544, 545, 547, 548, 549, and 550 of this title, if a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2005), the trustee may not avoid a transfer made by the debtor under its payment obligations under section 202 or 203 of that Act.''.

(h) CONFIRMATION OF PLAN.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

''(14) If the debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2005), the plan provides for the continuation after its effective date of payment of all payment obligations under title II of that Act.''.

(i) EFFECT ON INSURANCE RECEIVERSHIP PROCEEDINGS.—

(1) LIEN.—In an insurance receivership proceeding involving a direct insurer, reinsurer or runoff participant, there shall be a lien in favor of the Fund for the amount of any assessment and any such lien shall be given priority over all other claims against the participant in receivership, except for the expenses of administration of the receivership and the perfected claims of the secured creditors. Any State law that provides for priorities inconsistent with this provision is preempted by this Act.

(2) PAYMENT OF ASSESSMENT.—Payment of any assessment required by this Act shall not be subject to any automatic or judicially entered stay in any insurance receivership proceeding. This Act shall preempt any State law requiring that payments by a direct insurer, reinsurer or runoff participant in an insurance receivership proceeding be approved by a court, receiver or other person. Payments of assessments by any direct insurer or reinsurer participant under this Act shall not be subject to the avoidance powers of a receiver or a court in or relating to an insurance receivership proceeding.

(j) STANDING IN BANKRUPTCY PROCEEDINGS.—The Administrator shall have standing in any bankruptcy case involving a debtor participant. No bankruptcy court may require the Administrator to return property seized to satisfy obligations to the Fund.

SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.

(a) EFFECT ON FEDERAL AND STATE LAW.—The provisions of this Act shall supersede any Federal or State law insofar as such law may relate to any asbestos claim, including any claim described under subsection (e)(2).

(b) EFFECT ON SILICA CLAIMS.—

(1) IN GENERAL.—

(A) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to preempt, bar, or otherwise preclude any personal injury claim attributable to exposure to silica as to which the plaintiff—

(i) pleads with particularity and establishes by a preponderance of evidence either that—

(I) no claim has been asserted or filed by or with respect to the exposed person in any forum for any asbestos-related condition and the exposed person (or another claiming on behalf of or through the exposed person) is not eligible for any monetary award under this Act; or

(II)(aa) the exposed person suffers or has suffered a functional impairment that was caused by exposure to silica; and

(bb) asbestos exposure was not a substantial contributing factor to such functional impairment; and

(ii) satisfies the requirements of paragraph (2).

(B) PREEMPTION.—Claims attributable to exposure to silica that fail to meet the requirements of subparagraph (A) shall be preempted by this Act.

(2) REQUIRED EVIDENCE.—

(A) IN GENERAL.—In any claim to which paragraph (1) applies, the initial pleading (or, for claims pending on the date of enactment of this Act, an amended pleading to be filed within 60 days after such date, but not later than 60 days before trial, shall plead

with particularity the elements of subparagraph (A)(i)(I) or (II) and shall be accompanied by the information described under subparagraph (B)(i) through (iv).

(B) PLEADINGS.—If the claim pleads the elements of paragraph (1)(A)(i)(II) and by the information described under clauses (i) through (iv) of this subparagraph if the claim pleads the elements of paragraph (1)(A)(i)(I)—

(i) admissible evidence, including at a minimum, a B-reader's report, the underlying x-ray film and such other evidence showing that the claim may be maintained and is not preempted under paragraph (1);

(ii) notice of any previous lawsuit or claim for benefits in which the exposed person, or another claiming on behalf of or through the injured person, asserted an injury or disability based wholly or in part on exposure to asbestos;

(iii) if known by the plaintiff after reasonable inquiry by the plaintiff or his representative, the history of the exposed person's exposure, if any, to asbestos; and

(iv) copies of all medical and laboratory reports pertaining to the exposed person that refer to asbestos or asbestos exposure.

(3) STATUTE OF LIMITATIONS.—In general, the statute of limitations for a silica claim shall be governed by applicable State law, except that in any case under this subsection, the statute of limitations shall only start to run when the plaintiff becomes impaired.

(c) SUPERSEDING PROVISIONS.—

(1) IN GENERAL.—Except as provided under paragraph (3) *and section 106(f)*, any agreement, understanding, or undertaking by any person or affiliated group with respect to the treatment of any asbestos claim that requires future performance by any party, insurer of such party, settlement administrator, or escrow agent shall be superseded in its entirety by this Act.

(2) NO FORCE OR EFFECT.—Except as provided under paragraph (3), any such agreement, understanding, or undertaking by any such person or affiliated group shall be of no force or effect, and no person shall have any rights or claims with respect to any such agreement, understanding, or undertaking.

(3) EXCEPTION.—

(A) IN GENERAL.—Except as provided in section 202(f), nothing in this Act shall abrogate a binding and legally enforceable written settlement agreement between any defendant participant or its insurer and a specific named plaintiff with respect to the settlement of an asbestos claim of the plaintiff if—

[(i) before the date of enactment of this Act, the settlement agreement was executed directly by the settling defendant or the settling insurer and the individual plaintiff, or on behalf of the plaintiff where the plaintiff is incapacitated and the settlement agreement is signed by an authorized legal representative;]

(i) before the date of enactment of this Act, the settlement agreement was executed by—

(I) the settling defendant or the settling insurer; and

(II)(aa) the specific individual plaintiff, or the individual's immediate relatives; or

(bb) an authorized legal representative acting on behalf of the plaintiff where the plaintiff is incapacitated and the settlement agreement is signed by that authorized legal representative;

(ii) the settlement agreement contains an express obligation by the settling defendant or settling insurer to make a future direct monetary payment or payments in a fixed amount or amounts to the individual plaintiff; and

(iii) within 30 days after the date of enactment of this Act, or such shorter time period specified in the settlement agreement, all conditions to payment under the settlement agreement have been fulfilled, so that the only remaining performance due under the settlement agreement is the payment or payments by the settling defendant or the settling insurer.

(B) BANKRUPTCY-RELATED AGREEMENTS.—The exception set forth in this paragraph shall not apply to any bankruptcy-related agreement.

(C) COLLATERAL SOURCE.—Any settlement payment under this section is a collateral source if the plaintiff seeks recovery from the Fund.

(D) ABROGATION.—Nothing in subparagraph (A) shall abrogate a settlement agreement otherwise satisfying the requirements of that subparagraph if such settlement agreement expressly anticipates the enactment of this Act and provides for the effects of this Act.

(E) HEALTH CARE INSURANCE OR EXPENSES SETTLEMENTS.—Nothing in this Act shall abrogate or terminate an otherwise fully enforceable settlement agreement which was executed before the date of enactment of this Act directly by the settling defendant or the settling insurer and a specific named plaintiff to pay the health care insurance or health care expenses of the plaintiff.

(d) EXCLUSIVE REMEDY.—

(1) IN GENERAL.—Except as provided under paragraph (2) *and section 106(f)*, the remedies provided under this Act shall be the exclusive remedy for any asbestos claim, including any claim described in subsection (e)(2), under any Federal or State law.

(2) CIVIL ACTIONS AT TRIAL.—

(A) IN GENERAL.—This Act shall not apply to any asbestos claim that—

(i) is a civil action filed in a Federal or State court (not including a filing in a bankruptcy court);

(ii) is not part of a consolidation of actions or a class action; and

(iii) on the date of enactment of this Act—

(I) in the case of a civil action which includes a jury trial, is before the jury after its impanelling and commencement of presentation of evidence, but before its deliberations;

(II) in the case of a civil action which includes a trial in which a judge is the trier of fact, is at the presentation of evidence at trial; or

(III) a verdict, final order, or final judgment has been entered by a trial court.

(B) NONAPPLICABILITY.—This Act shall not apply to a civil action described under subparagraph (A) throughout the final disposition of the action.

(e) BAR ON ASBESTOS CLAIMS.—

(1) IN GENERAL.—No asbestos claim (including any claim described in paragraph (2)) may be pursued, and no pending asbestos claim may be maintained, in any Federal or State court, except as provided under subsection (d)(2) *and section 106(f)*.

(2) CERTAIN SPECIFIED CLAIMS.—

(A) IN GENERAL.—Subject to section 404 (d) and (e)(3) of this Act, no claim may be brought or pursued in any Federal or State court or insurance receivership proceeding—

(i) relating to any default, confessed or stipulated judgment on an asbestos claim if the judgment debtor expressly agreed, in writing or otherwise, not to contest the entry of judgment against it and the plaintiff expressly agreed, in writing or otherwise, to seek satisfaction of the judgment only against insurers or in bankruptcy;

(ii) relating to the defense, investigation, handling, litigation, settlement, or payment of any asbestos claim by any participant, including claims for bad faith or unfair or deceptive claims handling or breach of any duties of good faith; or

(iii) arising out of or relating to the asbestos-related injury of any individual and—

(I) asserting any conspiracy, concert of action, aiding or abetting, act, conduct, statement, misstatement, undertaking, publication, omission, or failure to detect, speak, disclose, publish, or warn relating to the presence or health effects of asbestos or the use, sale, distribution, manufacture, production, development, inspection, advertising, marketing, or installation of asbestos; or

(II) asserting any conspiracy, act, conduct, statement, omission, or failure to detect, disclose, or warn relating to the presence or health effects of asbestos or the use, sale, distribution, manufacture, production, development, inspection, advertising, marketing, or installation of asbestos, asserted as or in a direct action against an insurer or reinsurer based upon any theory, statutory, contract, tort, or otherwise; or

(iv) by any third party, and premised on any theory, allegation, or cause of action, for reimbursement of healthcare costs allegedly associated with the use of or exposure to asbestos, whether such claim is asserted directly, indirectly or derivatively.

(B) EXCEPTIONS.—Subparagraph (A) (ii) and (iii) shall not apply to claims against participants by persons—

(i) with whom the participant is in privity of contract;

(ii) who have received an assignment of insurance rights not otherwise voided by this Act; or

(iii) who are beneficiaries covered by the express terms of a contract with that participant.

(3) PREEMPTION.—Any action asserting an asbestos claim (including a claim described in paragraph (2)) in any Federal or State court is preempted by this Act, except as provided under subsection (d)(2) *and section 106(f)*.

(4) DISMISSAL.—Except as provided under subsection (d)(2), no judgment other than a judgment of dismissal may be entered in any such action, including an action pending on appeal, or on petition or motion for discretionary review, on or after the date of enactment of this Act. A court may dismiss any such action on its motion. If the court denies the motion to dismiss, it shall stay further proceedings until final disposition of any appeal taken under this Act.

(5) REMOVAL.—

(A) IN GENERAL.—If an action in any State court under paragraph (3) is preempted, barred, or otherwise precluded under this Act, and not dismissed, or if an order entered after the date of enactment of this Act purporting to enter judgment or deny review is not rescinded and replaced with an order of dismissal within 30 days after the filing of a motion by any party to the action advising the court of the provisions of this Act, any party may remove the case to the district court of the United States for the district in which such action is pending.

(B) TIME LIMITS.—For actions originally filed after the date of enactment of this Act, the notice of removal shall be filed within the time limits specified in section 1441(b) of title 28, United States Code.

(C) PROCEDURES.—The procedures for removal and proceedings after removal shall be in accordance with sections 1446 through 1450 of title 28, United States Code, except as may be necessary to accommodate removal of any actions pending (including on appeal) on the date of enactment of this Act.

(D) REVIEW OF REMAND ORDERS.—

(i) IN GENERAL.—Section 1447 of title 28, United States Code, shall apply to any removal of a case under this section, except that notwithstanding subsection (d) of that section, a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand an action

to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.

(ii) TIME PERIOD FOR JUDGMENT.—If the court of appeals accepts an appeal under clause (i), the court shall complete all action on such appeal, including rendering judgment, not later than 60 days after the date on which such appeal was filed, unless an extension is granted under clause (iii).

(iii) EXTENSION OF TIME PERIOD.—The court of appeals may grant an extension of the 60-day period described in clause (ii) if—

(I) all parties to the proceeding agree to such extension, for any period of time; or

(II) such extension is for good cause shown and in the interests of justice, for a period not to exceed 10 days.

(iv) DENIAL OF APPEAL.—If a final judgment on the appeal under clause (i) is not issued before the end of the period described in clause (ii), including any extension under clause (iii), the appeal shall be denied.

(E) JURISDICTION.—The jurisdiction of the district court shall be limited to—

(i) determining whether removal was proper; and

(ii) determining, based on the evidentiary record, whether the claim presented is preempted, barred, or otherwise precluded under this Act.

(6) CREDITS.—

(A) IN GENERAL.—If, notwithstanding the express intent of Congress stated in this section, any court finally determines for any reason that an asbestos claim is not barred under this subsection and is not subject to the exclusive remedy or preemption provisions of this section, then any participant required to satisfy a final judgment executed with respect to any such claim may elect to receive a credit against any assessment owed to the Fund equal to the amount of the payment made with respect to such executed judgment.

(B) REQUIREMENTS.—The Administrator shall require participants seeking credit under this paragraph to demonstrate that the participant—

(i) timely pursued all available remedies, including remedies available under this paragraph to obtain dismissal of the claim; and

(ii) notified the Administrator at least 20 days before the expiration of any period within which to appeal the denial of a motion to dismiss based on this section.

(C) INFORMATION.—The Administrator may require a participant seeking credit under this paragraph to furnish such further information as is necessary and appropriate to establish eligibility for, and the amount of, the credit.

(D) INTERVENTION.—The Administrator may intervene in any action in which a credit may be due under this paragraph.

SEC. 404. EFFECT ON INSURANCE AND REINSURANCE CONTRACTS.

(a) EROSION OF INSURANCE COVERAGE LIMITS.—

(1) DEFINITIONS.—In this section, the following definitions shall apply:

(A) DEEMED EROSION AMOUNT.—The term ''deemed erosion amount'' means the amount of erosion deemed to occur at enactment under paragraph (2).

(B) EARLY SUNSET.—The term ''early sunset'' means an event causing termination of the program under section 405(f) which relieves the insurer participants of paying some portion of the aggregate payment level of $46,025,000,000 required under section 212(a)(2)(A).

(C) EARNED EROSION AMOUNT.—The term ''earned erosion amount'' means, in the event of any early sunset under section 405(f), the percentage, as set forth in the following schedule, depending on the year in which the defendant participants' funding obligations end, of those amounts which, at the time of the early sunset, a defendant participant has paid to the fund and remains obligated to pay into the fund.

Year After Enactment In Which Defendant Participant's Funding Obligation Ends:	Applicable Percentage:
2	67.06
3	86.72
4	96.55
5	102.45
6	90.12
7	81.32
8	74.71
9	69.58
10	65.47
11	62.11
12	59.31
13	56.94
14	54.90
15	53.14
16	51.60
17	50.24
18	49.03
19	47.95
20	46.98
21	46.10
22	45.30
23	44.57
24	43.90
25	43.28
26	42.71
27	42.18
28	40.82
29	39.42

(D) REMAINING AGGREGATE PRODUCTS LIMITS.—The term ''remaining aggregate products limits'' means aggregate limits that apply to insurance coverage granted under the ''products hazard'', ''completed operations hazard'', or ''Products—Completed Operations Liability'' in any comprehensive general liability policy issued between calendar years 1940 and 1986 to cover injury which occurs in any State, as reduced by—

(i) any existing impairment of such aggregate limits as of the date of enactment of this Act; and

(ii) the resolution of claims for reimbursement or coverage of liability or paid or incurred loss for which notice was provided to the insurer before the date of enactment of this Act.

(E) SCHEDULED PAYMENT AMOUNTS.—The term ''scheduled payment amounts'' means the future payment obligation to the Fund under this Act from a defendant participant in the amount established under sections 203 and 204.

(F) UNEARNED EROSION AMOUNT.—The term ''unearned erosion amount'' means, in the event of any early sunset under section 405(f), the difference between the deemed erosion amount and the earned erosion amount.

(2) QUANTUM AND TIMING OF EROSION.—

(A) EROSION UPON ENACTMENT.—The collective payment obligations to the Fund of the insurer and reinsurer participants as assessed by the Administrator shall be deemed as of the date of enactment of this Act to erode remaining aggregate products limits available to a defendant participant only in an amount of 38.1 percent of each defendant participant's scheduled payment amount.

(B) NO ASSERTION OF CLAIM.—No insurer or reinsurer may assert any claim against a defendant participant or captive insurer for insurance, reinsurance, payment of a deductible, or retrospective premium adjustment arising out of that insurer's or reinsurer's payments to the Fund or the erosion deemed to occur under this section.

(C) POLICIES WITHOUT CERTAIN LIMITS OR WITH EXCLUSION.—Except as provided under subparagraph (E), nothing in this section shall require or permit the erosion of any insurance policy or limit that does not contain an aggregate products limit, or that contains an asbestos exclusion.

(D) TREATMENT OF CONSOLIDATION ELECTION.—If an affiliated group elects consolidation as provided in section 204(f), the total erosion of limits for the affiliated group under paragraph (2)(A) shall not exceed [59.64] *38.1* percent of the scheduled payment amount of the single payment obligation for the entire affiliated group. The total erosion of limits for any individual defendant participant in the affiliated group shall not exceed its individual share of [59.64] *38.1* percent of the affiliated group's scheduled payment amount, as measured by the individual defendant participant's percentage share of the affiliated group's prior asbestos expenditures.

(E) RULE OF CONSTRUCTION.—Notwithstanding any other provision of this section, nothing in this Act shall be deemed to erode remaining aggregate products limits of a defendant participant that can demonstrate by a reponderance of the evidence that 75 percent of its prior asbestos expenditures were made in defense or satisfaction of asbestos claims alleging bodily injury arising exclusively from the exposure to asbestos at premises owned, rented, or controlled by the defendant participant (a ''premises defendant''). In calculating such percentage, where expenditures were made in defense or satisfaction of asbestos claims alleging bodily injury due to exposure to the defendant participant's products and to asbestos at premises owned, rented, or controlled by the defendant participant, half of such expenditures shall be deemed to be for such premises exposures. If a defendant participant establishes itself as a premises defendant, 75 percent of the payments by such defendant participant shall erode coverage limits, if any, applicable to premises liabilities under applicable law.

(3) METHOD OF EROSION.—

(A) ALLOCATION.—The amount of erosion allocated to each defendant participant shall be allocated among periods in which policies with remaining aggregate product limits are available to that defendant participant pro rata by policy period, in ascending order by attachment point.

(B) OTHER EROSION METHODS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), the method of erosion of any remaining aggregate products limits which are subject to—

(I) a coverage-in-place or settlement agreement between a defendant participant and 1 or more insurance participants as of the date of enactment; or

(II) a final and nonappealable judgment as of the date of enactment or resulting from a claim for coverage or reimbursement pending as of such date, shall be as specified in such agreement or judgment with regard to erosion applicable to such insurance participants' policies.

(ii) REMAINING LIMITS.—To the extent that a final nonappealable judgment or settlement agreement to which an insurer participant and a defendant participant are parties in effect as of the date of enactment of this Act extinguished a defendant participant's right to seek coverage for asbestos claims under an insurer participant's policies, any remaining limits in such policies shall not be considered to be remaining aggregate products limits under subsection (a)(1)(A).

(4) RESTORATION OF AGGREGATE PRODUCTS LIMITS UPON EARLY SUNSET.—

(A) RESTORATION.—In the event of an early sunset, any unearned erosion amount will be

deemed restored as aggregate products limits available to a defendant participant as of the date of enactment.

(B) METHOD OF RESTORATION.—The unearned erosion amount will be deemed restored to each defendant participant's policies in such a manner that the last limits that were deemed eroded at enactment under this subsection are deemed to be the first limits restored upon early sunset.

(C) TOLLING OF COVERAGE CLAIMS.—In the event of an early sunset, the applicable statute of limitations and contractual provisions for the filing of claims under any insurance policy with restored aggregate products limits shall be deemed tolled after the date of enactment through the date 6 months after the date of early sunset.

(5) PAYMENTS BY DEFENDANT PARTICIPANT.—Payments made by a defendant participant shall be deemed to erode, exhaust, or otherwise satisfy applicable self-insured retentions, deductibles, retrospectively rated premiums, and limits issued by nonparticipating insolvent or captive insurance companies. Reduction of remaining aggregate limits under this subsection shall not limit the right of a defendant participant to collect from any insurer not a participant.

(6) EFFECT ON OTHER INSURANCE CLAIMS.—Other than as specified in this subsection, this Act does not alter, change, modify, or affect insurance for claims other than asbestos claims.

(b) DISPUTE RESOLUTION PROCEDURE.—

(1) ARBITRATION.—The parties to a dispute regarding the erosion of insurance coverage limits under this section may agree in writing to settle such dispute by arbitration. Any such provision or agreement shall be valid, irrevocable, and enforceable, except for any grounds that exist at law or in equity for revocation of a contract.

(2) TITLE 9, UNITED STATES CODE.—Arbitration of such disputes, awards by arbitrators, and confirmation of awards shall be governed by title 9, United States Code, to the extent such title is not inconsistent with this section. In any such arbitration proceeding, the erosion principles provided for under this section shall be binding on the arbitrator, unless the parties agree to the contrary.

(3) FINAL AND BINDING AWARD.—An award by an arbitrator shall be final and binding between the parties to the arbitration, but shall have no force or effect on any other person. The parties to an arbitration may agree that in the event a policy which is the subject matter of an award is subsequently determined to be eroded in a manner different from the manner determined by the arbitration in a judgment rendered by a court of competent jurisdiction from which no appeal can or has been taken, such arbitration award may be modified by any court of competent jurisdiction upon application by any party to the arbitration. Any such modification shall govern the rights and obligations between such parties after the date of such modification.

(c) EFFECT ON NONPARTICIPANTS.—

(1) IN GENERAL.—No insurance company or reinsurance company that is not a participant, other than a captive insurer, shall be entitled to claim that payments to the Fund erode, exhaust, or otherwise limit the nonparticipant's insurance or reinsurance obligations.

(2) OTHER CLAIMS.—Nothing in this Act shall preclude a participant from pursuing any claim for insurance or reinsurance from any person that is not a participant other than a captive insurer.

(d) FINITE RISK POLICIES NOT AFFECTED.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, except subject to section 212(a)(1)(D), this Act shall not alter, affect or impair any rights or obligations of—

(A) any party to an insurance contract that expressly provides coverage for governmental charges or assessments imposed to replace insurance or reinsurance liabilities in effect on the date of enactment of this Act; or

(B) subject to paragraph (2), any person with respect to any insurance [or reinsurance] purchased by a participant after December 31, 1990, that expressly (but not necessarily exclusively) provides coverage for asbestos liabilities, including those policies commonly referred to as ''finite risk'' policies.

(2) LIMITATION.—No person may assert that any amounts paid to the Fund in accordance with this Act are covered by any policy described under paragraph (1)(B) purchased by a defendant participant, unless such policy specifically provides coverage for required payments to a Federal trust fund established by a Federal statute to resolve asbestos injury claims.

(e) EFFECT ON CERTAIN INSURANCE AND REINSURANCE CLAIMS.—

(1) NO COVERAGE FOR FUND ASSESSMENTS.—[No] *Subject to section 212(a)(1)(D), no* participant or captive insurer may pursue an insurance or reinsurance claim against another participant or captive insurer for payments to the Fund required under this Act, except under a [contract] *written agreement* specifically providing insurance [or reinsurance], *reinsurance, or other reimbursement* for required payments to a Federal trust fund established by a Federal statute to resolve asbestos injury claims or, where applicable, under finite risk policies under subsection (d).

(2) CERTAIN INSURANCE ASSIGNMENTS VOIDED.—Any assignment of any rights to insurance coverage for asbestos claims to any person who has asserted an asbestos claim before the date of enactment of this Act, or to any trust, person, or other entity not part of an affiliated group as defined in section 201(1) of this Act established or appointed for the purpose of paying asbestos claims which were asserted before such date of enactment, or by any Tier I defendant participant, before any sunset of this Act, shall be null and void. This subsection shall not void or affect in any way any assignments of rights to insurance coverage other than to asbestos claimants or to trusts, persons, or other entities not part of an affiliated group as defined in section 201(1) of this Act established or appointed for the purpose of paying asbestos claims, or by Tier I defendant participants.

(3) INSURANCE CLAIMS PRESERVED.—Notwithstanding any other provision of this Act, this Act shall not alter, affect, or impair any rights or obligations of any person with respect to any insurance or reinsurance for amounts that any person pays, has paid, or becomes legally obligated to pay in respect of asbestos or other claims, *including claims filed, pursued, or revived under section 405(g),* except to the extent that—

[(A) such person pays or becomes legally obligated to pay claims that are superseded by section 403;]

(A) such claims are preempted, barred, or superseded by section 403;

(B) any such rights or obligations of such person with respect to insurance or reinsurance are prohibited by paragraph (1) or (2) of subsection (e); or

(C) the limits of insurance otherwise available to such participant in respect of asbestos claims are deemed to be eroded under subsection (a).

SEC. 405. ANNUAL REPORT OF THE ADMINISTRATOR AND SUNSET OF THE ACT.

(a) IN GENERAL.—The Administrator shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the operation of the Asbestos Injury Claims Resolution Fund within 6 months after the close of each fiscal year.

(b) CONTENTS OF REPORT.—The annual report submitted under this subsection shall include an analysis of—

(1) the claims experience of the program during the most recent fiscal year, including—

(A) the number of claims made to the Office and a description of the types of medical diagnoses and asbestos exposures underlying those claims;

(B) the number of claims denied by the Office and a description of the types of medical diagnoses and asbestos exposures underlying those claims, and a general description of the reasons for their denial;

(C) a summary of the eligibility determinations made by the Office under section 114;

(D) a summary of the awards made from the Fund, including the amount of the awards; and

(E) for each eligible condition, a statement of the percentage of asbestos claimants who filed claims during the prior calendar year and were determined to be eligible to receive compensation under this Act, who have received the compensation to which such claimants are entitled according to section 131;

(2) the administrative performance of the program, including—

(A) the performance of the program in meeting the time limits prescribed by law and an analysis of the reasons for any systemic delays;

(B) any backlogs of claims that may exist and an explanation of the reasons for such backlogs;

(C) the costs to the Fund of administering the program; and

(D) any other significant factors bearing on the efficiency of the program;

(3) the financial condition of the Fund, including—

(A) statements of the Fund's revenues, expenses, assets, and liabilities;

(B) the identity of all participants, the funding allocations of each participant, and the total amounts of all payments to the Fund;

(C) a list of all financial hardship or inequity adjustments applied for during the fiscal year, and the adjustments that were made during the fiscal year;

(D) a statement of the investments of the Fund; and

(E) a statement of the borrowings of the Fund;

(4) the financial prospects of the Fund, including—

(A) an estimate of the number and types of claims, the amount of awards, and the participant payment obligations for the next fiscal year;

(B) an analysis of the financial condition of the Fund, including an estimation of the Fund's ability to pay claims for the subsequent 5 years in full as and when required, an evaluation of the Fund's ability to retire its existing debt and assume additional debt, and an evaluation of the Fund's ability to satisfy other obligations under the program; and

(C) a report on any changes in projections made in earlier annual reports or sunset analyses regarding the Fund's ability to meet its financial obligations;

(5) any recommendations from the Advisory Committee on Asbestos Disease Compensation and the Medical Advisory Committee of the Fund to improve the diagnostic, exposure, and medical criteria so as to pay [only those claimants whose injuries are caused by exposure to asbestos] *those claimants who suffer from injuries for which exposure to asbestos was a substantial contributing factor*;

(6) a summary of the results of audits conducted under section 115; and

(7) a summary of prosecutions under section 1348 of title 18, United States Code (as added by this Act).

[(c) CLAIMS ANALYSIS.—If the Administrator concludes, on the basis of the annual report submitted under this section, that the Fund is compensating claims for injuries that are not caused by exposure to asbestos and compensating such claims may, currently or in the future, undermine the Fund's ability to compensate persons with injuries that are caused by exposure to asbestos, the Administrator shall include in the report an analysis of the reasons for the situation, a description of the range of reasonable alternatives for responding to the situation, and a recommendation as to which alternative best serves the interest of claimants and the public. The report shall include a description of changes in the diagnostic, exposure, or medical criteria of section 121 that the Administrator believes may be necessary to protect the Fund from compensating claims not caused by exposure to asbestos.]

(c) CLAIMS ANALYSIS AND VERIFICATION OF UNANTICIPATED CLAIMS.—

(1) IN GENERAL.—If the Administrator concludes, on the basis of the annual report submitted under this section, that—

(A) the average number of claims that qualify for compensation under a claim level or designation exceeds 125 percent of the number of claims expected to qualify for compensation under that claim level or designation in the most recent Congressional Budget Office estimate of asbestos-injury claims for any 3-year period, the Administrator shall conduct a review of a statistically significant sample of claims qualifying for compensation under the appropriate claim level or designation; or

(B) the average number of claims that qualify for compensation under a claim level or designation is less than 75 percent of the number of claims expected to qualify for compensation under that claim level or designation in the most recent Congressional Budget Office estimate of asbestos-injury claims for any 3-year period, the Administrator shall conduct a review of a statistically significant sample of claims deemed ineligible for compensation under the appropriate claim level or designation.

(2) DETERMINATIONS.—The Administrator shall examine the best available medical evidence and any recommendation made under subsection (b)(5) in order to determine which 1 or more of the following is true:

(A) Without a significant number of exceptions, all of the claimants who qualified for compensation under the claim level or designation suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(B) A significant number of claimants who qualified for compensation under the claim level or designation do not suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(C) A significant number of claimants who were denied compensation under the claim level of designation did suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(D) The Congressional Budget Office projections underestimated or overestimated the actual number of persons who suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(3) RECOMMENDATIONS CONCERNING CLAIMS CRITERIA.—If the Administrator determines that a significant number of the claimants who qualified for compensation under the claim level under review do not suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor, or that a significant number of the claimants who were denied compensation under the claim level under review suffered from an injury or disease for which exposure to asbestos was a substantial contributing factor, the Administrator shall recommend to Congress, under subsection (e), changes to the compensation criteria in order to ensure that the Fund provides compensation for injury or disease for which exposure to asbestos was a substantial contributing factor, but does not provide compensation to claimants who do not suffer from an injury or disease for which asbestos exposure was a substantial contributing factor.

(d) RECOMMENDATIONS OF ADMINISTRATOR AND ADVISORY COMMITTEE.—

(1) REFERRAL.—If the Administrator recommends changes to this Act under subsection (c), the recommendations and accompanying analysis shall be referred to the Advisory Committee on Asbestos Disease Compensation established under section 102 (in this subsection referred to as the ''Advisory Committee'').

(2) ADVISORY COMMITTEE RECOMMENDATIONS.—The Advisory Committee shall hold expedited public hearings on the alternatives and recommendations of the Administrator and make its own recommendations for reform of the program under titles I and II.

(3) TRANSMITTAL TO CONGRESS.—Not later than 90 days after receiving the recommendations of the Administrator, the Advisory Committee shall transmit the recommendations of the Administrator and the recommendations of the Advisory Committee to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

[(d)]*(e)* SHORTFALL ANALYSIS.—

(1) IN GENERAL.—

(A) ANALYSIS.—If the Administrator concludes, on the basis of the information contained in the annual report submitted under this section, that the Fund may not be able to pay claims as such claims become due at any time within the next 5 years, the Administrator shall include in the report an analysis of the reasons for the situation, an estimation of when the Fund will no longer be able to pay claims as such claims become due, a description of the range of reasonable alternatives for responding to the situation, and a recommendation as to which alternative best serves the interest of claimants and the public. The report may include a description of changes in the diagnostic, exposure, or medical criteria of section 121 that the Administrator believes may be necessary to protect the Fund.

(B) RANGE OF ALTERNATIVES.—The range of alternatives under subparagraph (A) may include—

(i) triggering the termination of this Act under subsection (f) at any time after the date of enactment of this Act; and

(ii) reform of the program set forth in titles I and II of this Act (including changes in the diagnostic, exposure, or medical criteria, changes in the enforcement or application of those criteria, changes in the timing of payments, changes in contributions by defendant participants, insurer participants (or both such participants), or changes in award values).

(C) INSURER SHORTFALL ASSESSMENTS.—Beginning in year 6 of the life of the Fund, if the Administrator determines that a shortfall in payment of the annual amounts required to be paid by insurer participants under section 212(a)(3)(C) is the substantial factor that would cause the Administrator to recommend the termination of this Act under subsection (f), then the Administrator may impose shortfall assessments on insurer participants in addition to the payments imposed under section 212, except that the Administrator shall not impose such assessments if the additional amounts would not be sufficient to permit the Administrator to avoid recommending termination of this Act. During any given year, the total of such shortfall assessments shall not exceed the amount by which, during the prior year, total payments by insurer participants fell short of the aggregate amounts required to be paid under section 212(a)(3)(C). Shortfall assessments shall be allocated among insurer participants using the methodology adopted by the Asbestos Insurers Commission under section 212(a)(1)(B).

(2) CONSIDERATIONS.—In formulating recommendations, the Administrator shall take into account the reasons for any shortfall, actual or projected, which may include—

(A) financial factors, including return on investments, borrowing capacity, interest rates, ability to collect contributions, and other relevant factors;

(B) the operation of the Fund generally, including administration of the claims processing, the ability of the Administrator to collect contributions from participants, potential problems of fraud, the adequacy of the criteria to rule out idiopathic mesothelioma, and inadequate flexibility to extend the timing of payments;

(C) the appropriateness of the diagnostic, exposure, and medical criteria, including the adequacy of the criteria to rule out idiopathic mesothelioma;

(D) the actual incidence of asbestos-related diseases, including mesothelioma, based on epidemiological studies and other relevant data;

(E) compensation of diseases with alternative causes; and

(F) other factors that the Administrator considers relevant.

(3) RECOMMENDATION OF TERMINATION.—Any recommendation of termination should include a plan for winding up the affairs of the Fund (and the program generally) within a defined period, including paying in full all claims resolved at the time the report is prepared. Any plan under this paragraph shall provide for priority in payment to the claimants with the most serious illnesses.

(4) RESOLVED CLAIMS.—For purposes of this section, a claim shall be deemed resolved when the Administrator has determined the amount of the award due the claimant, and either the claimant has waived judicial review or the time for judicial review has expired.

[(e) RECOMMENDATIONS OF ADMINISTRATOR AND COMMISSION.—

[(1) IN GENERAL.—If the Administrator recommends changes to this Act under subsection (c), the recommendations and accompanying analysis shall be referred to a special commission consisting of the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of the Treasury, and the Secretary of Commerce, or their designees. The Commission shall hold expedited public hearings on the Administrator's alternatives and recommendations and then make its own recommendations for reform of the program set forth in titles I and II of this Act. Within 180 days after receiving the Administrator's recommendations, the Commission shall transmit its own recommendations to the Congress in the same manner as set forth in subsection (a).

[(2) REFERRAL.—If the Administrator recommends changes to, or termination of, this Act under subsection (d), the recommendations and accompanying analysis shall be referred to the Commission. The Commission

shall hold expedited public hearings on the Administrator's alternatives and recommendations and then make its own recommendations for reform of the program set forth in titles I and II of this Act. Within 180 days after receiving the Administrator's recommendations, the Commission shall transmit its own recommendations to Congress in the same manner as set forth in subsection (a).]

(f) SUNSET OF ACT.—

(1) IN GENERAL.—

(A) TERMINATION.—Subject to paragraph (4), titles I (except subtitle A) and II and sections 403 and 404(e)(2) shall terminate as provided under paragraph (2), if the Administrator—

(i) has begun the processing of claims; and

(ii) as part of the review conducted to prepare an annual report under this section, determines that if any additional claims are resolved, the Fund will not have sufficient resources when needed to pay 100 percent of all resolved claims while also meeting all other obligations of the Fund under this Act, including the payment of—

(I) debt repayment obligations; and

(II) remaining obligations to the asbestos trust of a debtor and the class action trust.

(B) REMAINING OBLIGATIONS.—For purposes of subparagraph (A)(ii), the remaining obligations to the asbestos trust of the debtor and the class action trust shall be determined by the Administrator by assuming that, instead of a lump-sum payment, such trust had transferred its assets to the Fund on an annual basis, taking into consideration relevant factors, including the most recent projections made by the trust's actuary before the date of enactment of this Act of the amount and timing of future claim payments and administrative and operating expenses.

(2) EFFECTIVE DATE OF TERMINATION.—A termination under paragraph (1) shall take effect 180 days after the date of a determination of the Administrator under paragraph (1) and shall apply to all asbestos claims that have not been resolved by the Fund as of the date of the determination.

(3) RESOLVED CLAIMS.—If a termination takes effect under this subsection, all resolved claims shall be paid in full by the Fund.

(4) EXTINGUISHED CLAIMS.—A claim that is extinguished under the statute of limitations provisions in section 113(b) is not revived at the time of sunset under this subsection.

(5) CONTINUED FUNDING.—If a termination takes effect under this subsection, participants will still be required to make payments as provided under subtitles A and B of title II. If the full amount of payments required by title II is not necessary for the Fund to pay claims that have been resolved as of the date of termination, pay the Fund's debt and obligations to the asbestos trusts and class action trust, and support the Fund's continued operation as needed to pay such claims, debt, and obligations, the Administrator may reduce such payments. Any such reductions shall be allocated among participants in approximately the same proportion as the liability under subtitles A and B of title II.

(6) SUNSET CLAIMS.—

(A) DEFINITIONS.—In this paragraph—

(i) the term ''sunset claims'' means claims filed with the Fund, but not yet resolved, when this Act has terminated; and

(ii) the term ''sunset claimants'' means persons asserting sunset claims.

(B) IN GENERAL.—If a termination takes effect under this subsection, the applicable statute of limitations for the filing of sunset claims under subsection (g) shall be tolled for any past or pending sunset claimants while such claimants were pursuing claims filed under this Act. For those claimants who decide to pursue a sunset claim in accordance with subsection (g), the applicable statute of limitations shall apply, except that claimants who filed a claim against the Fund under this Act before the date of termination shall have 2 years after the date of termination to file a sunset claim in accordance with subsection (g).

(7) ASBESTOS TRUSTS AND CLASS ACTION TRUST.—On and after the date of termination under this subsection, the trust distribution program of any asbestos trust and the class action trust shall be replaced with the medical criteria requirements of section 121.

(8) PAYMENT TO ASBESTOS TRUSTS AND CLASS ACTION TRUST.—The amounts determined under paragraph (1)(B) for payment to the asbestos trusts and the class action trust shall be transferred to the respective asbestos trusts of the debtor and the class action trust within 90 days.

(g) NATURE OF CLAIM AFTER SUNSET.—

(1) IN GENERAL.—

(A) RELIEF.—On and after the date of termination under subsection (f), any individual with an asbestos claim who has not previously had a claim resolved by the Fund, may in a civil action obtain relief in damages subject to the terms and conditions under this subsection and paragraph (6) of subsection (f).

(B) RESOLVED CLAIMS.—An individual who has had a claim resolved by the Fund may not pursue a court action, except that an individual who received an award for a nonmalignant disease (Levels I through V) from the Fund may assert a claim for a subsequent or progressive disease under this subsection, unless the disease was diagnosed or the claimant had discovered facts that would have led a reasonable person to obtain such a diagnosis before the date on which the previous claim against the Fund was disposed.

(C) MESOTHELIOMA CLAIM.—An individual who received an award for a nonmalignant or malignant disease (except mesothelioma) (Levels I through VIII) from the Fund may assert a claim for mesothelioma under this subsection, unless the mesothelioma was diagnosed or the claimant had discovered facts that would have led a reasonable person to obtain such a diagnosis before the date on which the nonmalignant or other malignant claim was disposed.

(2) EXCLUSIVE REMEDY.—As of the effective date of a termination of this Act under subsection (f), an action under paragraph (1) shall be the exclusive remedy for any asbestos claim that might otherwise exist under Federal, State, or other law, regardless of whether such claim arose before or after the date of enactment of this Act or of the termination of this Act, except that claims against the Fund that have been resolved before the date of the termination determination under subsection (f) may be paid by the Fund.

(3) VENUE.—

(A) IN GENERAL.—Actions under paragraph (1) may be brought in—

(i) any Federal district court;

(ii) any State court in the State where the claimant resides; or

(iii) any State court in a State where the asbestos exposure occurred.

(B) DEFENDANTS NOT FOUND.—If any defendant cannot be found in the State described in clause (ii) or (iii) of subparagraph (A), the claim may be pursued only against that defendant in the Federal district court or the State court located within any State in which the defendant may be found.

(C) DETERMINATION OF MOST APPROPRIATE FORUM.—If a person alleges that the asbestos exposure occurred in more than one county (or Federal district), the trial court shall determine which State and county (or Federal district) is the most appropriate forum for the claim. If the court determines that another forum would be the most appropriate forum for a claim, the court shall dismiss the claim. Any otherwise applicable statute of limitations shall be tolled beginning on the date the claim was filed and ending on the date the claim is dismissed under this subparagraph.

(D) STATE VENUE REQUIREMENTS.—Nothing in this paragraph shall preempt or supersede any State's law relating to venue requirements within that State which are more restrictive.

(4) CLASS ACTION TRUSTS.—Notwithstanding any other provision of this section—

(A) after the assets of any class action trust have been transferred to the Fund in accordance with section 203(b)(5), no asbestos claim may be maintained with respect to asbestos liabilities arising from the operations of a person with respect to whose liabilities for asbestos claims a class action trust has been established, whether such claim names the person or its successors or affiliates as defendants; and

(B) if a termination takes effect under subsection (f), the exclusive remedy for all asbestos claims (including sunset claims and claims first arising or first presented after termination of the Fund) arising from such operations will be a claim against the class action trust to which the Administrator has transferred funds under subsection (f)(8) to pay asbestos claims, if necessary in proportionally reduced amounts.

(5) EXPERT WITNESSES.—If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue in an action permitted under paragraph (1), a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if—

(A) the testimony is based upon sufficient facts or data;

(B) the testimony is the product of reliable principles and methods; and

(C) the witness has applied the principles and methods reliably to the facts of the case.

SEC. 406. RULES OF CONSTRUCTION RELATING TO LIABILITY OF THE UNITED STATES GOVERNMENT.

(a) CAUSES OF ACTIONS.—Except as otherwise specifically provided in this Act, nothing in this Act shall be construed as creating a cause of action against the United States Government, any entity established under this Act, or any officer or employee of the United States Government or such entity.

(b) FUNDING LIABILITY.—Nothing in this Act shall be construed to—

(1) create any obligation of funding from the United States Government, [other than the funding for personnel and support as provided under this Act; or] *including any borrowing authorized under section 221(b)(2); or*

(2) obligate the United States Government to pay any award or part of an award, if amounts in the Fund are inadequate.

SEC. 407. RULES OF CONSTRUCTION.

(a) LIBBY, MONTANA CLAIMANTS.—Nothing in this Act shall preclude the formation of a fund for the payment of eligible medical expenses related to treating asbestos-related disease for current and former residents of Libby, Montana. The payment of any such medical expenses shall not be collateral source compensation as defined under section 134(a).

(b) HEALTHCARE FROM PROVIDER OF CHOICE.—Nothing in this Act shall be construed to preclude any eligible claimant from receiving healthcare from the provider of their choice.

SEC. 408. VIOLATIONS OF ENVIRONMENTAL HEALTH AND SAFETY REQUIREMENTS.

(a) ASBESTOS IN COMMERCE.—If the Administrator receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Environmental Protection Agency under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), relating to the manufacture, importation, processing, disposal, and distribution in commerce of asbestos-containing products, the Administrator shall refer the matter in writing within 30 days after receiving that information to the Administrator of the Environmental Protection Agency and the United States attorney for possible civil or criminal penalties, including those under section 17 of the Toxic Substances Control Act (15 U.S.C. 2616), and to the appropriate State authority with jurisdiction to investigate asbestos matters.

(b) ASBESTOS AS AIR POLLUTANT.—If the Administrator receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.), relating to asbestos as a hazardous air pollutant, the Administrator shall refer the matter in writing within 30 days after receiving that information to the Administrator of the Environmental Protection Agency and the United States attorney for possible criminal and civil penalties, including those under section 113 of the Clean Air Act (42 U.S.C. 7413), and to the appropriate State authority with jurisdiction to investigate asbestos matters.

(c) OCCUPATIONAL EXPOSURE.—If the Administrator receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Occupational Safety and Health Administration under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), relating to occupational exposure to asbestos, the Administrator shall refer the matter in writing within 30 days after receiving that information and refer the matter to the Secretary of Labor or the appropriate State agency with authority to enforce occupational safety and health standards, for investigation for possible civil or criminal penalties under section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666).

(d) ENHANCED CRIMINAL PENALTIES FOR WILLFUL VIOLATIONS OF OCCUPATIONAL STANDARDS FOR ASBESTOS.—Section 17(e) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656(e)) is amended—

(1) by striking ''Any'' and inserting ''(1) Except as provided in paragraph (2), any''; and

(2) by adding at the end the following:

''(2) Any employer who willfully violates any standard issued under section 6 with respect to the control of occupational exposure to asbestos, shall upon conviction be punished by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 5 years, or both, except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 10 years, or both.''.

(e) CONTRIBUTIONS TO THE ASBESTOS TRUST FUND BY EPA AND OSHA ASBESTOS VIOLATORS.—

(1) IN GENERAL.—The Administrator shall assess employers or other individuals determined to have violated asbestos statutes, standards, or regulations administered by the Department of Labor, the Environmental Protection Agency, and their State counterparts, for contributions to the Asbestos Injury Claims Resolution Fund (in this section referred to as the ''Fund'').

(2) IDENTIFICATION OF VIOLATORS.—Each year, the Administrator shall—

(A) in consultation with the Assistant Secretary of Labor for Occupational Safety and Health, identify all employers that, during the previous year, were subject to final orders finding that they violated standards issued by the Occupational Safety and Health Administration for control of occupational exposure to asbestos (29 C.F.R. 1910.1001, 1915.1001, and 1926.1101) or the equivalent asbestos standards issued by any State under section 18 of the Occupational Safety and Health Act (29 U.S.C. 668); and

(B) in consultation with the Administrator of the Environmental Protection Agency, identify all employers or other individuals who, during the previous year, were subject to final orders finding that they violated asbestos regulations administered by the Environmental Protection Agency (including the National Emissions Standard for Asbestos established under the Clean Air Act (42 U.S.C. 7401 et seq.), the asbestos worker protection standards established under part 763 of title 40, Code of Federal Regulations, and the regulations banning asbestos promulgated under section 501 of this Act), or equivalent State asbestos regulations.

(3) ASSESSMENT FOR CONTRIBUTION.—The Administrator shall assess each such identified employer or other individual for a contribution to the Fund for that year in an amount equal to—

(A) 2 times the amount of total penalties assessed for the first violation of occupational health and environmental statutes, standards, or regulations;

(B) 4 times the amount of total penalties for a second violation of such statutes, standards, or regulations; and

(C) 6 times the amount of total penalties for any violations thereafter.

(4) LIABILITY.—Any assessment under this subsection shall be considered a liability under this Act.

(5) PAYMENTS.—Each such employer or other individual assessed for a contribution to the Fund under this subsection shall make the required contribution to the Fund within 90 days of the date of receipt of notice from the Administrator requiring payment.

(6) ENFORCEMENT.—The Administrator is authorized to bring a civil action under section 223(c) against any employer or other individual who fails to make timely payment of contributions assessed under this section.

(f) REVIEW OF FEDERAL SENTENCING GUIDELINES FOR ENVIRONMENTAL CRIMES RELATED TO ASBESTOS.—Under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, as appropriate, the United States Sentencing Guidelines and related policy statements to ensure that—

(1) appropriate changes are made within the guidelines to reflect any statutory amendments that have occurred since the time that the current guideline was promulgated;

(2) the base offense level, adjustments, and specific offense characteristics contained in section 2Q1.2 of the United States Sentencing Guidelines (relating to mishandling of hazardous or toxic substances or pesticides; recordkeeping, tampering, and falsification; and unlawfully transporting hazardous materials in commerce) are increased as appropriate to ensure that future asbestos-related offenses reflect the seriousness of the offense, the harm to the community, the need for ongoing reform, and the highly regulated nature of asbestos;

(3) the base offense level, adjustments, and specific offense characteristics are sufficient to deter and punish future activity and are adequate in cases in which the relevant offense conduct—

(A) involves asbestos as a hazardous or toxic substance; and

(B) occurs after the date of enactment of this Act;

(4) the adjustments and specific offense characteristics contained in section 2B1.1 of the United States Sentencing Guidelines related to fraud, deceit, and false statements, adequately take into account that asbestos was involved in the offense, and the possibility of death or serious bodily harm as a result;

(5) the guidelines that apply to organizations in chapter 8 of the United States Sentencing Guidelines are sufficient to deter and punish organizational criminal misconduct that involves the use, handling, purchase, sale, disposal, or storage of asbestos; and

(6) the guidelines that apply to organizations in chapter 8 of the United States Sentencing Guidelines are sufficient to deter and punish organizational criminal misconduct that involves fraud, deceit, or false statements against the Office of Asbestos Disease Compensation.

SEC. 409. NONDISCRIMINATION OF HEALTH INSURANCE.

(a) DENIAL, TERMINATION, OR ALTERATION OF HEALTH COVERAGE.—No health insurer offering a health plan may deny or terminate coverage, or in any way alter the terms of coverage, of any claimant or the beneficiary of a claimant, on account of the participation of the claimant or beneficiary in a medical monitoring program under this Act, or as a result of any information discovered as a result of such medical monitoring.

(b) DEFINITIONS.—In this section:

(1) HEALTH INSURER.—The term ''health insurer'' means—

(A) an insurance company, healthcare service contractor, fraternal benefit organization, insurance agent, third-party administrator, insurance support organization, or other person subject to regulation under the laws related to health insurance of any State;

(B) a managed care organization; or

(C) an employee welfare benefit plan regulated under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) HEALTH PLAN.—The term ''health plan'' means—

(A) a group health plan (as such term is defined in section 607 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167)), and a multiple employer welfare arrangement (as defined in section 3(4) of such Act) that provides health insurance coverage; or

(B) any contractual arrangement for the provision of a payment for healthcare, including any health insurance arrangement or any arrangement consisting of a hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance organizing subscriber contract.

(c) CONFORMING AMENDMENTS.—

(1) ERISA.—Section 702(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)), is amended by adding at the end the following:

''(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2005.''.

(2) PUBLIC SERVICE HEALTH ACT.—Section 2702(a)(1) of the Public Health Service Act (42 U.S.C. 300gg–1(a)(1)) is amended by adding at the end the following:

''(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2005.''.

(3) INTERNAL REVENUE CODE OF 1986.—Section 9802(a)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2005.''.

TITLE V—ASBESTOS BAN

SEC. 501. PROHIBITION ON ASBESTOS CONTAINING PRODUCTS.

(a) IN GENERAL.—Title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) is amended—

(1) by inserting before section 201 (15 U.S.C. 2641) the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end the following:

"Subtitle B—Ban of Asbestos Containing Products

"SEC. 221. BAN OF ASBESTOS CONTAINING PRODUCTS.

''(a) DEFINITIONS.—In this chapter:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) ASBESTOS.—The term 'asbestos' includes—

''(A) chrysotile;

''(B) amosite;

''(C) crocidolite;

''(D) tremolite asbestos;

''(E) winchite asbestos;

''(F) richterite asbestos;

''(G) anthophyllite asbestos;

''(H) actinolite asbestos;

''(I) [amphibole asbestos] *asbestiform amphibole minerals*; and

''(J) any of the minerals listed under subparagraphs (A) through (I) that has been chemically treated or altered, and any asbestiform variety, type, or component thereof.

''(3) ASBESTOS CONTAINING PRODUCT.—The term 'asbestos containing product' means any product (including any part) to which asbestos is deliberately or knowingly added or used because the specific properties of asbestos are necessary for product use or function. Under no circumstances shall the term 'asbestos containing product' be construed to include products that contain de minimus levels of naturally occurring asbestos as defined by the Administrator not later than 1 year after the date of enactment of this chapter.

''(4) DISTRIBUTE IN COMMERCE.—The term 'distribute in commerce'—

''(A) has the meaning given the term in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602); and

''(B) shall not include—

''(i) an action taken with respect to an asbestos containing product in connection with the end use of the asbestos containing product by a person that is an end user, or an action taken by a person who purchases or receives a product, directly or indirectly, from an end user; or

''(ii) distribution of an asbestos containing product by a person solely for the purpose of disposal of the asbestos containing product in compliance with applicable Federal, State, and local requirements.

''(b) IN GENERAL.—Subject to subsection (c), the Administrator shall promulgate—

''(1) not later than 1 year after the date of enactment of this chapter, proposed regulations that—

''(A) prohibit persons from manufacturing, processing, or distributing in commerce asbestos containing products; and

''(B) provide for implementation of subsections (c) and (d); and

''(2) not later than 2 years after the date of enactment of this chapter, final regulations that, effective 60 days after the date of promulgation, prohibit persons from manufacturing, processing, or distributing in commerce asbestos containing products.

''(c) EXEMPTIONS.—

''(1) IN GENERAL.—Any person may petition the Administrator for, and the Administrator may grant, an exemption from the requirements of subsection (b), if the Administrator determines that—

''(A) the exemption would not result in an unreasonable risk of injury to public health or the environment; and

''(B) the person has made good faith efforts to develop, but has been unable to develop, a substance, or identify a mineral that does not present an unreasonable risk of injury to public health or the environment and may be substituted for an asbestos containing product.

''(2) TERMS AND CONDITIONS.[—An] *Except for an exception authorized under paragraph (3)(A)(i), an* exemption granted under this subsection shall be in effect for such period (not to exceed 5 years) and subject to such terms and conditions as the Administrator may prescribe.

''(3) GOVERNMENTAL USE.—

[''(A) IN GENERAL.—The Administrator of the Environmental Protection Agency shall provide an exemption from the requirements of subsection (b), without review or limit on duration, if such exemption for an asbestos containing product is—

[''(i) sought by the Secretary of Defense and the Secretary certifies, and provides a copy of that certification to Congress, that—

[''(I) use of the asbestos containing product is necessary to the critical functions of the Department;

[''(II) no reasonable alternatives to the asbestos containing product exist for the intended purpose; and

[''(III) use of the asbestos containing product will not result in an unreasonable risk to health or the environment; or

[''(ii) sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies, and provides a copy of that certification to Congress, that—]

''(A) IN GENERAL.—

''(i) DEPARTMENT OF DEFENSE.—Nothing in this section or in the regulations promulgated by the Administrator under subsection (b) shall prohibit or limit the manufacture, processing, or distribution in commerce of asbestos containing products by or for the Department of Defense or the use of asbestos containing products by or for the Department of Defense if the Secretary of Defense certifies (or recertifies within 10 years of a prior certification), and provides a copy of the certification to Congress, that—

''(I) use of asbestos containing product is necessary to the critical functions of the Department, which includes the use of the asbestos containing product in any weaponry, equipment, aircraft, vehicles, or other classes or categories of property which are owned or operated by the Armed Forces of the United States (including the Coast Guard) or by the National Guard of any State and which are uniquely military in nature;

''(II) no reasonably available and equivalent alternatives to the asbestos containing product exist for the intended purpose; and

''(III) use of the asbestos containing product will not result in a known unreasonable risk to health or the environment.

''(ii) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—The Administrator of the Environmental Protection Agency shall provide an exemption from the requirements of subsection (b), without review or limit on duration, if such exemption for an asbestos containing product is sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies, and provides a copy of that certification to Congress, that—

''(I) the asbestos containing product is necessary to the critical functions of the National Aeronautics and Space Administration;

''(II) no reasonable alternatives to the asbestos containing product exist for the intended purpose; and

''(III) the use of the asbestos containing product will not result in an unreasonable risk to health or the environment.

''(B) ADMINISTRATIVE PROCEDURE ACT.—Any certification required under subparagraph (A) shall not be subject to chapter 5 of title 5, United States Code (commonly referred to as the 'Administrative Procedure Act').

''(4) SPECIFIC EXEMPTIONS.—The following are exempted:

''(A) Asbestos diaphragms for use in the manufacture of chlor-alkali and the products and derivative therefrom.

''(B) Roofing cements, coatings, and mastics utilizing asbestos that is totally encapsulated with asphalt, subject to a determination by the Administrator of the Environmental Protection Agency under paragraph (5).

''(5) ENVIRONMENTAL PROTECTION AGENCY REVIEW.—

''(A) REVIEW IN 18 MONTHS.—Not later than 18 months after the date of enactment of this chapter, the Administrator of the Environmental Protection Agency shall complete a review of the exemption for roofing cements, coatings, and mastics utilizing asbestos that are totally encapsulated with asphalt to determine whether—

''(i) the exemption would result in an unreasonable risk of injury to public health or the environment; and

''(ii) there are reasonable, commercial alternatives to the roofing cements, coatings, and mastics utilizing asbestos that is totally encapsulated with asphalt.

''(B) REVOCATION OF EXEMPTION.—Upon completion of the review, the Administrator of the Environmental Protection Agency shall have the authority to revoke the exemption for the products exempted under paragraph (4)(B), if warranted.

''(d) DISPOSAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 3 years after the date of enactment of this chapter, each person that possesses an asbestos containing product that is subject to the prohibition established under this section shall dispose of the asbestos containing product, by a means that is in compliance with applicable Federal, State, and local requirements.

''(2) EXEMPTION.—Nothing in paragraph (1)—

''(A) applies to an asbestos containing product that—

''(i) is no longer in the stream of commerce; or

''(ii) is in the possession of an end user or a person who purchases or receives an asbestos containing product directly or indirectly from an end user; or

''(B) requires that an asbestos containing product described in subparagraph (A) be removed or replaced.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents in section 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended—

(1) by inserting before the item relating to section 201 the following:

''Subtitle A—General Provisions'';

and

(2) by adding at the end of the items relating to title II the following:

''Subtitle B—Ban of Asbestos Containing Products

''Sec. 221. Ban of asbestos containing products.''.

SEC. 502. NATURALLY OCCURRING ASBESTOS.

(a) STUDY.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(A) conduct a study to assess the risks of exposure to naturally occurring asbestos, including the appropriateness of the existing risk assessment values for asbestos and methods of assessing exposure; and

(B) submit a report that contains a detailed statement of the findings and conclusions of such study to—

(i) the majority and minority leaders of the Senate;

(ii) the Speaker and the minority leader of the House of Representatives; and

(iii) the relevant committees of jurisdiction of the Senate and House of Representatives, including—

(I) the Environment and Public Works Committee of the Senate;

(II) the Appropriations Committee of the Senate;

(III) the Judiciary Committee of the Senate;

(IV) the Energy and Commerce Committee of the House of Representatives;

(V) the Judiciary Committee of the House of Representatives; and

(VI) the Appropriations Committee of the House of Representatives.

(2) DEVELOPMENT REQUIREMENTS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with appropriate Federal and State agencies and other interested parties after appropriate notice, shall establish dust management guidelines, and model State regulations that States can choose to adopt, for commercial and residential development, and road construction in areas where naturally occurring asbestos is present and considered a risk. Such dust management guidelines may at a minimum incorporate provisions consistent with the relevant California Code of Regulation (17 C.C.R. 93105–06).

(B) DUST MANAGEMENT GUIDELINES.—Guidelines under this paragraph shall include—

(i) site management practices to minimize the disturbance of naturally occurring asbestos and contain asbestos mobilized from the source at the development site;

(ii) air and soil monitoring programs to assess asbestos exposure levels at the development site and to determine whether asbestos is migrating from the site; and

(iii) appropriate disposal options for asbestos-containing materials to be removed from the site during development.

(b) TESTING PROTOCOLS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with appropriate State agencies, shall establish comprehensive protocols for testing for the presence of naturally occurring asbestos.

(2) PROTOCOLS.—The protocols under this subsection shall address both ambient air monitoring and activity-based personal sampling and include—

(A) suggested sampling devices and guidelines to address the issues of methods comparability, sampler operation, performance specifications, and quality control and quality assurance;

(B) a national laboratory and air sampling accreditation program for all methods of analyses of air and soil for naturally occurring asbestos;

(C) recommended laboratory analytical procedures, including fiber types, fiber lengths, and fiber aspect ratios; and

(D) protocols for collecting and analyzing aggregate and soil samples for asbestos content, including proper and consistent sample preparation practices suited to the activity likely to occur on the soils of the study area.

(c) EXISTING BUILDINGS AND AREAS.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall issue public education materials, recommended best management practices and recommended remedial measures for areas containing naturally occurring asbestos including existing—

(1) schools and parks; and

(2) commercial and residential development.

(d) MAPPING.—The Secretary of the Interior shall—

(1) acquire infrared mapping data for naturally occurring asbestos, prioritizing California counties experiencing rapid population growth;

(2) process that data into map images; and

(3) collaborate with the California Geological Survey and any other appropriate State agencies in producing final maps of asbestos zones.

(e) RESEARCH GRANTS.—The Director of the National Institutes of Health shall administer 1 or more research grants to qualified entities for studies that focus on better understanding the health risks of exposure to naturally occurring asbestos. Grants under this subsection shall be awarded through a competitive peer-reviewed, merit-based process.

(f) TASK FORCE PARTICIPATION.—Representatives of Region IX of the United States Environmental Protection Agency, and the Agency for Toxic Substances and Disease Registry of the United States Department of Health and Human Services shall participate in any task force convened by the State of California to evaluate policies and adopt guidelines for the mitigation of risks associated with naturally occurring asbestos.

(g) MATCHING GRANTS.— The Administrator of the Environmental Protection Agency is authorized to award 50 percent matching Federal grants to States and municipalities. Not later than 4 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall establish criteria to award such grants—

(1) for monitoring and remediation of naturally occurring asbestos—

(A) at schools, parks, and other public areas; and

(B) in serpentine aggregate roads generating significant public exposure; and

(2) for development, implementation, and enforcement of State and local dust management regulations concerning naturally occurring asbestos, provided that after the Administrator has issued model State regulations under subsection (a)(2), such State and local regulations shall be at least as protective as the model regulations to be eligible for the matching grants.

(h) AVAILABILITY OF FUNDS.—An amount of $40,000,000 from the Fund shall be made available to carry out the requirements of this section, including up to $9,000,000 for the Secretary of the Interior to carry out subsection (d), up to $4,000,000 for the Director of the National Institutes of Health to carry out subsection (e), and the remainder for the Administrator of the Environmental Protection Agency, at least $15,000,000 of which shall be used for the matching grants under subsection (g).

(i) CONSTRUCTION.—

(1) GUIDELINES AND PROTOCOLS.—The guidelines and protocols issued by the Administrator of the Environmental Protection Agency under the specific authorities in subsections (a), (b), and (c) shall be construed as nonbinding best practices unless adopted as a mandatory requirement by a State or local government. Notwithstanding the preceding sentence, accreditation for testing will not be granted except in accordance with the guidelines issued under subsection (b)(2)(B).

(2) FEDERAL CAUSES OF ACTION.—This section shall not be construed as creating any new Federal cause of action for civil, criminal, or punitive damages.

(3) FEDERAL CLAIMS.—This section shall not be construed as creating any new Federal claim for injunctive or declaratory relief against a State, local, or private party.

(4) STATES AND LOCALITIES.— Nothing in this section shall limit the authority of States or localities concerning naturally occurring asbestos.

Mr. KENNEDY. Mr. President, I understand there is no time limit on speeches. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Many Senators on both sides of the aisle find the concept of a trust fund to compensate the victims of asbestos-related diseases appealing. I have consistently said that I would support a properly designed and adequately funded trust fund bill that would fairly compensate all the victims of asbestos-induced disease in a timely way. The problem is that S. 852 does not meet that standard. It is not properly designed and it is not adequately funded. Many seriously ill victims of asbestos disease are completely excluded from compensation under the fund. And the legislation does not even provide adequate revenue to ensure that all the victims who are eligible for compensation under the terms of the trust fund will actually receive what the legislation promises them. These are fundamental flaws that cannot be corrected by a few last minute amendments. They go to the heart of the bill.

The problem is that powerful corporate interests responsible for the asbestos epidemic have fought throughout this process to escape full accountability for the harm they have inflicted. As a result, the focus has shifted from what these companies should pay victims to what they are willing to pay them. That is preventing the Senate from enacting trust fund legislation that will truly help the workers who have been seriously injured by this industrial plague.

This legislation was constructed backwards. The first decision made was that the size of the trust fund could not exceed $140 billion over 30 years. Why? Because that was all the corporations whose reckless conduct created the asbestos problem were willing to pay. The Asbestos Study Group, the chief lobbyists for this legislation, began this process by promising ''an evergreen fund'' that would provide as much money as necessary over time to fairly compensate the victims of asbestos disease. But they soon reneged on that commitment. Instead, these companies are now insisting on an absolute cap on their liability—no matter how many victims are suffering from asbestos-induced disease or how serious their illnesses. Asbestos diseases take years, sometimes decades, to develop after the exposure to asbestos fibers. Thus, no one can say for sure how many victims there will be. The companies claim that they need financial certainty to plan for the future. What about the millions of victims of asbestos exposure who live every day under

the cloud of asbestos disease? What about the ability of these workers and their families to plan for their future?

Each year, more than 10,000 of them die from lung cancer and other diseases caused by asbestos. Each year, hundreds of thousands of them suffer from lung conditions which make breathing so difficult that they cannot function at all. Even more become unemployable due to their medical condition. And, because of the long latency period of these diseases, all of them live with fear of a premature death due to asbestos-induced disease. These are the real victims. Aren't they entitled to the certainty of knowing that, should the worst happen, they and their families will be fairly compensated? All S. 852 offers them is an inadequately funded trust fund that most experts believe will be insolvent within a few years.

The real crisis which confronts us is not an ''asbestos litigation crisis,'' it is an asbestos-induced disease crisis. All too often, the tragedy these workers and their families are enduring becomes lost in a complex debate about the economic impact of asbestos litigation. We cannot allow that to happen. The litigation did not create these costs. Exposure to asbestos created them. They are the costs of medical care, the lost wages of incapacitated workers, and the cost of providing for the families of workers who died years before their time. Those costs are real. No legislative proposal can make them disappear. All legislation can do is shift those costs from one party to another. Unfortunately, S. 852 would shift more of the financial burden onto the backs of injured workers. That is unacceptable.

Senators SPECTER and LEAHY have devoted an enormous amount of time and effort to this asbestos trust fund legislation. They did not set the arbitrary $140 billion ceiling. The Republican leadership made clear that the trust fund could not exceed that amount regardless of the legitimate needs of asbestos victims. The sponsors were left with the unenviable task of deciding which worthy claims to exclude. As a result, the bill before us contains fundamental flaws, which make it both unfair and unworkable. It does not provide a reliable guarantee of just compensation to the enormous number of workers who are suffering from asbestos-induced disease.

The argument that there are serious inadequacies in the way asbestos cases are adjudicated today does not mean that any legislation is better than the current system. Our first obligation is to do no harm. We should not be supporting legislation that excludes many seriously ill victims from receiving compensation and that fails to provide a guarantee of adequate funding to make sure that these injured workers covered by the trust fund will actually receive what the bill promises them. This bill will do harm to these asbestos victims.

The list of serious flaws in S. 852 is, unfortunately, a long one. I will focus my remarks on several of the most egregious.

Experts tell us that the asbestos trust created by this legislation is seriously underfunded. The funding plan in this bill relies on very substantial borrowing in the early years as the only way to pay the flood of claims. The result will be huge debt service costs over the life of the trust that could reduce the $140 billion intended to pay claims by as much as 40 percent. The amount remaining would be far too little to pay the claims of all of those who are entitled to compensation under the terms of the bill.

In addition, there is a strong constitutional argument that the existing bankruptcy trusts cannot be forced to turn over all their assets, which will place $7.6 billion of the projected funding in jeopardy. Many companies are also likely to challenge their obligation to finance the asbestos trust. It is not at all clear how much money will actually be available to pay eligible victims what the legislation promises they will receive.

There is likely to be a serious shortfall in the early years, when nearly 300,000 pending cases will be transferred to the trust for payment. Studies show the trust will not have the resources to pay those claims in a timely manner. Payments to critically ill people may be delayed for years.

One way to reduce the enormous financial burden on the fund in the early years would be to leave many of those cases in the tort system, especially cases which were close to resolution. That would be fair to the parties in those cases and it would greatly improve the financial viability of the fund. Unfortunately, that proposal has been repeatedly rejected by the sponsors of the bill. As a result, there will be a serious mismatch between the number of claims the trust fund will face when its doors open and the payments coming into the fund. That will force major borrowing in the first 5 years. The debt service resulting from that borrowing will financially cripple the trust.

In its August report, CBO recognizes the seriousness of this debt-service problem, explaining:

> Because expenses would exceed revenues in many of the early years of the fund's operations, the Administrator would need to borrow funds to make up the shortfall. The interest cost of this borrowing would add significantly to the long-term costs faced by the fund and contributes to the possibility that the fund might become insolvent.

In a response to inquiries from Judiciary Committee members last week, CBO issued an even more dire warning about the likelihood of insolvency:

> There is a significant likelihood that the fund's revenues would fall short of the amount needed to pay valid claims, as well as debt-service and administrative costs. There is also some likelihood that the fund's revenues would be sufficient to meet those needs. The final outcome cannot be predicted with great certainty. Without a substantial increase in the resources available to the fund, there is no way to guarantee that the fund will not either revert to the court system or require additional funding.

That statement should trouble every Senator on both sides of the aisle. There is ''a significant likelihood that the fund's revenues would fall short.'' While we may disagree on other issues regarding compensation for asbestos victims, each of us knows that it would be disastrous—for victims and businesses alike—to create a trust fund that cannot meet its financial commitment to victims and is destined for insolvency. None of us want to see that result. We cannot in good conscience ignore the warnings from the Congressional Budget Office and from other experts.

In addition to the concerns CBO has identified, there are other major problems with S. 852 related to the projections of pending and future claims that could push the trust fund even further out of balance.

For example, there has been a significant increase in the number of mesothelioma cases in recent years. The only known cause of mesothelioma is asbestos exposure. This new information suggests that the CBO cost estimate may understate the cost of the mesothelioma claims that the trust fund will incur by more than $15 billion. This is by no means the only instance where there is strong evidence to suggest that the number of eligible claimants will substantially exceed CBO estimates.

If S. 852 is enacted, the U.S. Government will be making a commitment to compensate hundreds of thousands of seriously ill asbestos victims, but will not have ensured that adequate dollars are available to honor its commitment. That will precipitate a genuine asbestos crisis, and this Congress will bear the responsibility for it. Since the trust fund will be borrowing extensively from the U.S. Treasury in its first few years of operation; if it does become insolvent, there will be a direct impact on American taxpayers.

The legislation before us would close the courthouse doors to asbestos victims on the day it passes, long before the trust fund will be able to pay their claims. Their cases will be stayed immediately. Seriously ill workers will be forced into a legal limbo for up to 2 years. Their need for compensation to cover medical expenses and basic family necessities will remain, but they will have nowhere to turn for relief.

Under the legislation, even exigent health claims currently pending in the courts will be automatically stayed for 9 months as of the date of enactment. An exigent health claim is one in which the victim has been diagnosed ''as being terminally ill from an asbestos-related illness and having a life expectancy of less than one year.''

By definition, these cases all involve people who have less than a year to live due to mesothelioma or some other disease caused by asbestos exposure. Their cases would all be stayed

for 9 months. Nine months is an eternity for someone with less than a year to live. Many of them will die without receiving either their day in court or compensation from the trust fund.

The stay language is written so broadly that it would even stop all forward movement of a case in the court system. A trial about to begin would be halted. An appellate ruling about to be issued would be barred. Even the deposition of a dying witness could not be taken to preserve his testimony. The stay would deprive victims of their last chance at justice. I cannot believe that the authors of this bill intended such a harsh result, but that is what the legislation does.

The bill does contain language allowing an ''offer of judgment'' to be made during the period of the stay in the hope of producing a settlement. However, this provision is unlikely to resolve many cases because it requires the agreement of the defendants. There is no incentive for defendants to agree to a settlement when the case has been stayed. Those who have tried cases know that it is only the imminence of judicial action which produces a settlement in most cases. Delay is the defendant's best ally; and under this bill, the case is at least delayed for 9 months and may never be allowed to resume if the fund becomes operational. If, however, these exigent cases were not stayed, and judicial proceedings could continue, there would be far more likelihood of cases settling under the offer of judgment process.

I strongly believe that, at a minimum, all exigent cases should be exempted from the automatic stay in the legislation. Victims with less than a year to live certainly should be allowed to continue their cases in court uninterrupted until the trust fund became operational. Their ability to recover compensation in the court should not be halted until the trust fund is open for business and they are able to receive compensation from that fund. It is grossly unfair to leave these dying victims in a legal limbo. For them, the old adage is especially true—justice delayed is justice denied.

Under the legislation, defendants would receive a credit against what they must contribute to the trust fund for whatever payments they make to these dying victims; so they would not be ''paying twice,'' as some have claimed.

Allowing the exigent cases to go forward in the courts without interruption is a matter of simple fairness. Staying the cases of victims who have less than a year to live is bureaucratic insensitivity at its worst. Most of these victims will not live to see the doors of the trust fund open.

We should not deprive them of their last chance—their only chance—to receive some measure of justice before asbestos-induced disease silences them. They should be allowed to receive compensation in their final months to ease their suffering. They should be allowed to die knowing that their families are financially provided for. S. 852 in its current form takes that last chance away from them.

I intend to offer an amendment to allow these severely ill victims to have their day in court.

The way the legislation is written, victims will lose out at the back end of the process as well, should the trust fund run out of money after several years of operation.

If the trust fund does become insolvent, a very real possibility, workers will not have an automatic right to immediately return to the court system. The process outlined in the current bill could take years. Workers could end up trapped in the trust with reduced benefits and long delays in receiving their payments. There needs to be a clear, objective trigger—inability of the trust to pay a certain percentage of claims within a set period of time—that will automatically allow victims to pursue their claims in court if the trust runs out of money. The Judiciary Committee's 2003 legislation contained such a provision, but this bill does not. We cannot allow seriously injured workers with valid claims who are not paid in a timely manner by the trust to be denied their day in court. That would be a shameful injustice.

The asbestos trust is being presented as an alternative source of compensation for victims suffering from asbestos-induced disease. If that alternative runs out of money and can no longer compensate those victims in a full and timely manner, their right to seek compensation through the judicial system should be immediately restored with no strings attached. No principle is more basic. Yet this bill violates that principle.

I am particularly upset by the way lung cancer victims are treated in this bill. Under the medical criteria adopted by the Judiciary Committee overwhelmingly 2 years ago, all lung cancer victims who had at least 15 years of weighted exposure to asbestos were eligible to receive compensation from the fund. However, that was changed in S. 852. Under this bill, lung cancer victims who have had very substantial exposure to asbestos over long periods of time are denied any compensation unless they can show asbestos scarring on their lungs. The committee heard expert medical testimony that prolonged asbestos exposure dramatically increases the probability that a person will get lung cancer even if they do not have scarring on their lungs. Deleting this category will deny compensation to more than 40,000 victims suffering with asbestos-related lung cancers. Under the legislation as now drafted, these victims are losing their right to go to court, but receiving nothing from the fund. How can any of us support such an unconscionable provision?

Since we began considering asbestos legislation, no aspect has concerned me more than the treatment of lung cancer victims. My top priority has been to make sure that these severely ill workers receive just and fair compensation.

And I have not been alone. A number of other Members have spoken out about the importance of adequately providing for lung cancer victims who have been exposed to substantial amounts of asbestos over long periods of time.

Now we find that these victims, many of whom will have their lives cut short because of asbestos-induced disease, will not receive one penny in compensation from the trust fund. They are losing their right to go to court, but being denied any right to compensation under the fund. They are, in essence, being told to suffer in a legally imposed silence with no recourse whatsoever.

One of the arguments we hear most frequently in favor of creating an asbestos trust fund is that in the current system, too much money goes to people who are not really sick and too little goes to those who are seriously ill. Well, lung cancer victims who have years of exposure to asbestos are the ones who are seriously ill. They are the ones this legislation is supposed to be helping. Yet they are being completely excluded.

The committee heard extensive testimony from distinguished medical experts—Dr. Laura Welsh and Dr. Philip Landrigan—that prolonged exposure to asbestos can cause lung cancer even if the victim does not also have markers of nonmalignant asbestos disease. They cited numerous medical authorities supporting their position. They even described treating lung cancer victims whose disease was clearly caused by asbestos but who had neither pleural thickening or asbestosis.

In a situation where people are undeniably severely ill and undeniably had 15 or more years of weighted exposure to asbestos, it is wrong to completely exclude them from compensation under the trust fund. Some of the proponents of S. 852 have attempted to justify excluding them by claiming that smoking probably caused their lung cancers. But, the evidence refutes this contention.

First, even those lung cancer victims with 15 or more weighted years of exposure to asbestos who had never smoked were removed from eligibility for compensation under the trust fund. So this is about more than just the relationship between asbestos and smoking.

Second, regarding the smoking issue, Dr. Landrigan testified that smokers who have substantial exposure to asbestos have 55 times the background risk of developing lung cancer, while smokers who were not exposed to asbestos have 10 times the background risk of developing lung cancer. Clearly, the asbestos exposure makes a huge difference.

There is a powerful synergistic effect between asbestos and tobacco in the

causation of lung cancer. Both are substantial contributing factors to the disease. The smoker with substantial asbestos exposure should receive less compensation from the trust fund than the nonsmoker with lung cancer. That principle appears throughout the bill. But smoking is not a reason to exclude the smoker from all compensation.

Without prolonged exposure to asbestos, the smoker would have been far less likely to contract lung cancer. It is a gross injustice to completely exclude these severely ill workers.

Any person who was exposed to asbestos for 15 or more weighted years and now has lung cancer should be eligible for compensation from the trust fund. It would not be automatic. Their cases would be reviewed individually by a panel of physicians to determine whether asbestos was a ''substantial contributing factor'' to their lung cancer. These 40,000 victims of asbestos should not be arbitrarily excluded from receiving compensation. They were included in the original legislation, it was agreed to by medical experts for both business and labor, and that provision should be restored to the bill. I will be proposing an amendment to rectify this serious injustice.

This bill also tampers with the agreed-upon medical criteria carefully negotiated between representatives of business and labor by raising the standard of proof for each disease category. The language in S. 852 requires the workers to prove that asbestos was ''a substantial contributing factor'' to their disease, instead of just ''a contributing factor.'' This is a major increase in the burden workers must overcome to receive compensation. It is significantly higher than most states currently require in a court of law. Rather than having to show that asbestos exposure contributed to their illness, they will now have to address the relative impact of asbestos and other potential factors. This change is a serious step in the wrong direction, raising the bar even higher on injured workers.

Another major shortcoming of this legislation is its failure to compensate the residents of areas that have experienced large-scale asbestos contamination. S. 852 simply pretends that this problem does not exist. It fails to compensate the victims of all asbestos-induced diseases, other than mesothelioma, whose exposure was not directly tied to their work. There is very substantial scientific evidence showing that the men, women and children who lived in the vicinity of asbestos-contaminated sites, such mining operations and processing plants, can and do contract asbestos-induced disease.

The reason that this legislation needs a special provision to compensate the residents of Libby, MT, is because it does not compensate victims of community contamination generally. The residents of Libby are certainly entitled to compensation, but so are the residents who lived near the many processing plants from Massachusetts to California that received the lethal ore from the Libby mine. The deadly dust from Libby, MT, was spread across America. W.R. Grace shipped almost 10 billion pounds of Libby ore to its processing facilities between the 1960s and the mid 1990s. One of the places it was shipped was to the town of Easthampton, MA, where the operations of an expanding plant spread the asbestos to the surrounding environment, into the air and onto the soil. I intend to discuss this problem in great detail as the debate moves forward.

I raise it now as a dramatic example of one of the major injustices caused by the arbitrary exclusion of a large number of asbestos victims from compensation under the trust fund. Nor is the problem of community contamination limited to the sites receiving ore from Libby. Community asbestos contamination can result from many different sources. For example, medical experts believe it may result from exposure to asbestos after the collapse of the World Trade Center. Because of the long latency period, we often do not learn about community asbestos contamination until long after it occurs. Certainly these victims of asbestos are entitled to fair treatment as well. They should not be arbitrarily excluded from compensation as if their suffering is somehow less worthy of recognition than the suffering of other asbestos victims. Yet that is what S. 852 does.

This is a bill that shifts more of the financial burden of asbestos-induced disease to injured workers by unfairly and arbitrarily limiting the liability of defendants. It does not establish a fair and reliable system that will compensate all those who are seriously ill due to asbestos. It lacks a dependable funding stream which can ensure that all who are entitled to compensation actually receive full and timely payment. These are very basic shortcomings.

We cannot allow what justice requires to be limited by what the wrongdoers are willing to pay. I intend to vote no and I urge my colleagues to do the same.

Mr. President, I yield the floor.

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

Mr. HATCH. Mr. President, I rise today to speak in favor of S. 852, the bipartisan Fairness in Asbestos Injury Resolution Act of 2005. I commend the majority leader and Chairman SPECTER and Senator LEAHY for seizing the bull by the horns and proceeding with this vitally important litigation. And it is bipartisan legislation.

Make no mistake about this—this bill is not perfect. There are some things in the act that I wish were different, but that is the nature of the legislative process. It is about compromise and negotiation.

In a moment, I will speak to specific aspects of this bill. But before I do, I would like to take a moment to respond to some of the allegations that my colleagues made on the floor yesterday.

Some of them spoke of corruption. They spoke of undue influence wielded by lobbyists. And they spoke of fairness.

The truth is, this legislation is badly needed. Personal injury lawyers—some personal injury lawyers—are profiting at the expense of asbestos victims and manufacturers alike.

This bill is about fairness, justice, and certainty. It has become a bill that has tried to do away with fraud because this situation is fraught with fraud—fraud on American businesses, fraud on American consumers, and, more importantly, fraud on asbestos victims.

Let me tell you what this bill does. This bill provides real compensation to real victims with real injuries. This bill stops a rampaging personal injury trial bar. This bill fixes a broken legal system that benefits personal injury lawyers at the expense of asbestos victims. And this bill provides certainty to everyone involved.

Some of my colleagues on the other side have called S. 852 special interest legislation. If helping sick people and preventing fraud constitutes special interest action, then maybe they could get away with that charge. But I am very proud—and I think anybody who supports this bill would be proud—to support legislation that assists those special interests.

I ask my colleagues: Do you know who opposes this bill? It is the personal injury lawyers involved. They are a small cadre of the total number of American Trial Lawyers Association members. These trial lawyers have fought this legislation the same way the old gunslingers fought the law in the Wild West. Some of my colleagues have spoken of bragging lobbyists. The only people I have ever heard bragging about the scams that are going on are some of these personal injury lawyers.

Do you know when I heard them bragging? Last Congress, when we failed to invoke cloture on this bill's predecessor. It was not lobbyists or manufacturers or asbestos victims who were having some celebratory steak and champagne dinners in 2004; it was the personal injury lawyers. Why would they celebrate? They were celebrating because they successfully preserved their 40-percent payout on massive class action lawsuits and the exorbitant transaction costs that raise the amounts taken from victims to almost 60 percent, with only about 40 percent given to the victims. They were celebrating because their meal ticket was not taken away from them. Not this time.

Before I continue, I wish to point out not all personal injury lawyers are bad, certainly not all trial lawyers. I was a trial lawyer in my younger days. I know most of them are good people with good intentions. However, as they say, it only takes one bad apple to spoil the whole bushel.

We face an asbestos litigation crisis of unparalleled magnitude. Real asbestos victims with horrific injuries are receiving pennies on the dollar, while people who are not sick, or at least their lawyers, are receiving millions of dollars. American companies, businesses both large and small, many of which never produced or used asbestos fibers, are being forced into bankruptcy by fraudulent lawsuits. These bankruptcies hurt all Americans. Pensions are destroyed, jobs are lost, and all because our current legal system is vulnerable to unscrupulous trial lawyers. We have had the Supreme Court ask the Congress three times to weigh in on this and stop this mess from continuing. That is what we are trying to do with this bill.

According to the RAND Institute for Civil Justice, the asbestos crisis has been called the worst occupational health disaster in U.S. history. The personal injury bar has compounded that disaster by filing countless meritless claims that deprive the truly injured of their just and deserved compensation. The RAND Institute has found that approximately 730,000 people have filed asbestos claims through 2002. Despite the fact that asbestos claims should decrease each year due to OSHA and, to some extent, EPA actions in the 1970s and 1980s which severely curtailed national asbestos exposure, we have seen a significant increase in the number of claims, particularly nonmalignant claims, during the last 15 years. It is a gravy train for some of these lawyers. That does not dismiss the fact that there are people who are hurt by this, many of whom are not going to get a dime because a large number of their companies are bankrupt.

The large number of claims—expected to burgeon to the million-plus mark in the not-so-distant future—has resulted in 77 bankruptcies, the loss of some 60,000 jobs, or workers' privileges, and the depletion of countless pension programs. Moreover, due to the nature and number of these claims, compensation for the truly ill is often arbitrary and inequitable. According to the RAND Institute study, only 42 cents of every dollar spent on asbestos litigation actually goes to the asbestos victims; 31 cents goes to defense costs, and 27 cents goes to plaintiffs' attorneys. The situation becomes all the more deplorable when one factors in the ghastly specter of fraud. One study has shown that 41 percent of audited claims of alleged asbestosis or pleural disease were found to have either no disease or a less severe disease than alleged by the personal injury experts. That is simply unacceptable. We are trying to solve that problem.

At present there are more than 300,000 asbestos-related claims pending before this Nation's courts. Company after company has plunged into bankruptcy with disastrous results. Some victims have gone without compensation and many have nowhere to turn. Thousands have lost their jobs. The only winners in most cases are the personal injury lawyers. Asbestos trial lawyers have pulled in over $20 billion in attorney's fees. One actuarial firm estimates that personal injury lawyers are expected to filch another $40 billion before they run out of victims. I don't have any problem with lawyers getting contingent fees for legitimate cases. I don't have any problem with that. But the fact is, many of these cases are not legitimate. It is time to make a choice. That choice is between private jets for trial lawyers and meaningful compensation for asbestos victims.

Before I move on to the operational aspects of this legislation, I wish to take a moment to talk about the victims of asbestos exposure. Unfortunately, veterans comprise a large percentage of this group. I wish to make a plea on their behalf. This may be the last chance to help the men and women who served this country with such distinction and who, as a result of that service, were exposed to asbestos fibers. Time is rapidly running out for this group and many, if not most, of the companies they could turn to are now bankrupt, mainly because of these lawsuits. Even if they are not bankrupt, lawsuits take so much time and the verdicts are so uncertain that many will be cheated out of their just compensation. Even if some of these fine men and women manage to obtain a verdict against a company with sufficient assets to make good on the obligation, about 58 percent of the award would be consumed not by the victim but by trial lawyers. That is plain wrong.

Let me tell you how this bill works. S. 852 will compensate legitimate asbestos victims in a timely fashion on a no-fault basis. They are not going to have to go to court to prove their case. Claimants must demonstrate they meet certain medical criteria—and those criteria were agreed on in a bipartisan agreement—but once that threshold showing has been made, thereby assuring that only the truly sick are compensated, the claimants will receive timely compensation based upon the nature of the injury.

Some of my colleagues asserted that all claimants under this bill obtain a one-size-fits-all settlement if they meet the medical criteria requirements. As Chairman SPECTER has pointed out, that is plain wrong. There are nine tiers and corresponding awards under this bill, and it allows for further compensation if the condition worsens, meaning if a claimant had a level 2 injury that later developed into a level 8 injury or more serious injury, that individual can obtain compensation up to the level 8 or more serious tier. That makes sense to me.

It is worth pointing out that in addition to providing a no-fault and timely compensation system, the FAIR Act provides certainty to asbestos victims by taking away the whims of juries and the avarice of some of these personal injury lawyers. Under this bill, if you are sick, you will be compensated. Furthermore, this bill promotes economic stability and preserves jobs by taking the uncertain burden of direct and residual asbestos liability away from manufacturers, insurers, and others, and levying a measurable, known, and beneficial sum that will help those truly in need. In other words, they will have to pay, but it will be done on a reasonable, decent basis, so that those who are suffering will get paid in the end, where many of them will not under the current system.

For the victims, it provides meaningful compensation in a relatively short order. It is no-fault compensation for them. For the manufacturers and other defendant entities, it removes the parasitic personal injury bar from the picture and assures that asbestos dollars reach asbestos victims.

Finally, this bill contains an asbestos ban that will help lower asbestos exposure beyond what OSHA has achieved.

I was surprised to hear some opponents of this bill say S. 852 is not ready, that any action on this measure would be premature. Frankly, I am somewhat shocked by this. I will not go into the full history of the bill. In fact, I will limit my discussion of its development to the 107th Congress and beyond. But I must note that efforts in this area predate my efforts and the efforts of then-Chairman LEAHY in the 107th Congress.

Now with tremendous effort, Chairman SPECTER and Ranking Member LEAHY have worked this through in a way that has greatly improved what we were trying to do back then. The Judiciary Committee has held at least a half dozen hearings on asbestos issues, and we have held several exhaustive markups over the years. In addition, I note that Chief Judge Emeritus of the Third Circuit, Edward R. Becker, and now-Chairman SPECTER held at least 36 meetings with stakeholders to reach the compromise before us. This was a monumental effort by Senator SPECTER and Former Chief Judge Edward R. Becker. I just saw Chief Judge Becker over in the Dirksen Building. I know the sacrifices he has made to try and help us on this matter. And to have this bill called special interest legislation, when we have had people such as Judge Becker work out these details by meeting with all concerned, including the trial lawyers, including businesses and individuals and groups and so forth, I don't know when anybody has made such an effort as both Chairman SPECTER and Judge Becker.

We are currently on the third asbestos bill since the beginning of the 108th Congress. We have moved from S. 1125, which was the subject of a 4-day markup over 2 months, to S. 2290, to S. 852. Finally, after a 6-day markup, which also spanned 2 full months, the Judiciary Committee reported the current bill with a bipartisan 13-to-5 vote. That doesn't sound like special interest legislation to me. And it isn't.

With that in mind, it is hard to understand how opponents of this bill can claim with a straight face that this bill is not ready for consideration by the full Senate. That is ridiculous. Can it be amended? Surely. That is why we debate. Can we change aspects of it? Surely. That is why we debate. That is why we have this debate on the floor, if we are ever allowed to debate it.

This brings me to some of the outstanding criticisms of this legislation. First, we have heard it hurts small businesses. Since it is unclear to me what the deleterious effects on small business may be, I find it difficult to even spend time trying to refute those types of baseless charges. I would ask my colleagues who hold this belief to expound upon the allegation so we can better understand their concerns. However, before they do so, I ask my colleagues to look at the small business exception contained within S. 852, specifically section 204(b) of this act. Small businesses do not have to contribute to the fund while at the same time they receive its benefits. I have a hard time understanding why this is bad for small businesses. After all, they do get something for nothing.

The next major objection focuses on the removal of pending cases from court. Such action is unfair, they say. Well, I am puzzled by this assertion as well. First, cases that have proceeded to the evidentiary stage of the trial are not touched by this act. Secondly, the underlying premise of this bill focuses on two things: one, the uncertainty of jury trials and the ability of defendants to pay; two, the parasitical impact some of these voracious trial lawyers have on the process. This bill will provide certainty to the process, ensure those who have been injured will receive compensation, and make sure compensation so awarded goes to the victims and not to the trial bar in such dimensions as we have had so far. In fact, the trial bar will be entitled to fees under this bill; they just won't be as high because the proof is a no-fault proof. It is like rolling off a log. I ask my colleagues, how is that unfair?

The next assertion focuses on the amount of the trust fund. It is not enough to say it is not enough. That is what they say. To that I say, the CBO seems to think the amount falls within the estimated range of claims and, further, that this amount was agreed upon by Majority Leader FRIST and then-Minority Leader Daschle after extensive negotiation. Overall, it would seem some Members on the other side of the aisle want to prevent us from proceeding to this bill. While I am not surprised by obstructive tactics—we have seen them before; I saw a good deal of them during the last Congress and I know enough to be able to say with confidence that what looks like a duck and quacks like a duck is, in fact, a duck—it is obstruction. Why can't we debate this bill up and down? Why don't we get into it? If we have legitimate objections, I am sure the distinguished chairman and ranking member will consider them. That is why we debate these things. I am nonetheless disturbed by the tactics of some on the other side, given the tremendous importance of this legislation to our country.

As I say, the Supreme Court no less than three times asked us to do this—or at least to find some solution to this massive litigation crisis that is clogging our courts, hurting the country, and costing everybody an arm and a leg, without doing the justice to victims that this bill will do.

It is troubling when we consider that without the FAIR Act, more and more Americans are certain to lose their jobs, and more and more victims of asbestos exposure will go without compensation. This all goes to show that personal injury lawyers are a powerful force, and some on the other side of the aisle are willing to hear the voice of the personal injury bar over the voices of hard-working Americans who want to keep their jobs and pensions. Don't tell me about special interest legislation. We all know what special interest is driving the opponents of this bill.

The fact is that this bill continues to create a fair and efficient alternative compensation system to resolve the claims for injury caused by asbestos exposure. The fund is capitalized through private contributions from defendants and insurers, not the Government, and compensates victims under medical criteria that we reached on a bipartisan basis. I thought once we got the medical criteria, this bill should go forward. We had a lot of people on both sides saying they want to support it. Now we are here, and this is the chance to do it. If you don't like it, file amendments. I am sure the distinguished chairman and ranking member will give consideration to the amendments. The bill brings uniformity and rationality to a broken system so that resources are more effectively directed toward those who are truly sick.

I know the last asbestos bill contained no fewer than 53 compromise measures demanded by the Democrats last year. Moreover, I know this bill contains many more. Chairman SPECTER and Ranking Minority Member LEAHY are still working with the labor unions and others to improve the bill. This bill did not sneak up on anybody. It is not the instrument of a wayward group of influential lobbyists. The bipartisan FAIR Act is the product of years of negotiation and hard work—bipartisan people who are interested in solving problems, not creating them.

Not only does this bill guarantee fair compensation to victims, it guarantees faster and more certain compensation at that. We anticipate that claimants will not have to endure years of discovery battles and endless litigation before they get paid. Currently, whether some victims get paid depends on the solvency of businesses. But under the FAIR Act, these victims will no longer have to go without payment. It is time to end the current system of jackpot justice, where only some win and many lose.

Let me mention one group—the mesothelioma victims. Most of them have no chance at being fairly compensated because they work for companies that are now bankrupt. This bill takes care of them and helps them with their problem. Given that this bill is a clear net monetary gain for legitimate victims and provides payments faster and with more certainty, I am at a loss as to why anybody would object to this bill or object to a full and fair debate and a vote up or down. Quite frankly, the only entities that stands to lose under this bill are a handful of personal injury lawyers who have guzzled more than $20 billion of the costs incurred on this issue as of the end of last year. If the improved FAIR Act is passed, they will not be able to leverage unimpaired claims to squeeze a projected $40 billion more for themselves from remotely connected companies by abusing a broken system.

I support compensating attorneys for the value of their work, no question. Honest lawyers deserve to be paid. But when the lawyers get rich while diverting valuable resources away from sick victims and to people who are not victims, people who don't deserve compensation, which is going on here, something is wrong with the system. But you don't need me to tell you this; the Supreme Court, think tanks, and other nonpartisan commentators have been saying it for years.

We have a serious problem on our hands which demands this body's full attention. I applaud our majority leader, the chairman of the Judiciary Committee, Senator SPECTER, and his ranking member, Senator LEAHY, for bringing this bill to the floor. The time to act is now. I would like to see us go forward in a legitimate, honest way to try to solve these problems. If people on either side have objections to the bill or have a reason to try to change it, they can bring amendments forward, and let's battle it out. The chairman has been very open to accepting good ideas. He has consistently done that throughout this process. I don't think anybody can find fault with our chairman for the way he has operated on this bill and how hard he has worked.

We have studied this asbestos problem at length, for decades. We have held numerous hearings, considered legislative proposals, and even underwent several marathon markups in the Judiciary Committee over the years. To the extent there are issues that remain unresolved, we can openly debate them on the floor of the Senate.

The time has come to stop talking about doing something and take decisive action. Every day that passes is a day we withhold meaningful recovery to truly sick victims. Every day that passes is a day in which hard-working Americans at companies that had little

or nothing to do with asbestos face decreased pensions and an uncertain employment future. Every day that passes is a day that we deny consideration of a comprehensive solution to one of the most plaguing civil justice issues of our time.

This is step one. If we can get a bill out of the Senate, this would move forward so fast. The House would have to come up with its legislation, and we would then go to conference. I have no doubt, having watched the chairman and ranking member, that they would be working in good faith to try to accommodate and please all legitimate points of view on these very profound and difficult issues. I compliment them one more time. These folks deserve that we debate this bill fully, that we have a vote up or down on the bill in the end, and that we go through this process and hopefully continue to improve the legislation so that we can do justice in our society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, first, let me acknowledge the obvious. A lot of work has gone into this bill. Senator SPECTER, Senator LEAHY, and members of the Judiciary Committee, including Senator HATCH, have spent hours, days, weeks, and months preparing this bill. It is a bill that should have taken a long time because it is a bill that says something very basic and fundamental and, in many ways, revolutionary: It says we can no longer trust the court system in America. It says the court system is inadequate in America to compensate victims. That is a charge not made lightly, I am sure, by the sponsor of this legislation. It is one we should not take lightly on the floor of the Senate because we have established over the course of this Nation's history some things which are generally accepted by most Americans.

It is true that Congress and legislatures write the law. The President and executive branch enforce it. And when it comes to making decisions of how that law applies to our lives, we trust the courts. The decision has been made by those who are pushing this bill that we can no longer trust the courts. The decision has been made that we have to replace our court system with something else. If we are going to step away from a time-honored institution and tradition in America to create an alternative, it is a daunting task.

Those of us who have been critical of this legislation are going to hold the sponsors to some very fundamental questions. The first: Can you provide the same level of fairness and compensation in your new system that the courts of America provide today? The answer can be found in responses from victims groups around the country. The victims of asbestos have been writing to Members of Congress saying: Don't pass this legislation. The compensation you will give to the victims and their families is inadequate and unpredictable. Those families have come to see me. They have heartbreaking stories—stories of young men and young women whose lives were snuffed out because of exposure to asbestos. In not a single case have I ever met somebody who said: I guess I knew I had it coming to me; I decided to expose myself to asbestos. I never ran into a person like that or heard a story like that.

The victims of asbestos are as surprised by the diagnosis as they can be. It is no surprise to us when we consider this insidious disease. These flaky fibers which are breathed into the lungs can sit there like a timebomb for decades. Do you recall the movie actor named Steve McQueen? He died from mesothelioma. He was exposed to asbestos at some point in his life, which later exploded into a fatal lung disease. Earlier this week on the floor, I talked about my former colleague, Bruce Vento, of Minnesota, a Congressman from St. Paul. He was a picture of health and was in the gym every morning, and then he didn't feel well. He went to the doctor, and after a chest x-ray, they said: You were somehow in your life exposed to asbestos. Now you have mesothelioma and just months to live.

Those stories are repeated over and over again about men who worked in asbestos mines who got off scot-free and never developed a problem, but their wives at home, who shook out their work clothes before putting them into the washer, breathed in the fibers and contracted asbestosis and mesothelioma and died. It is insidious.

I could spend more than an hour telling you that, since 1934, the companies which have been creating asbestos products have known how dangerous this product is. I could, and maybe I will at some point, go through the extensive evidence of deception and cover-up by these companies so that their employees did not understand the serious dangers they were exposed to in the workplace, and the dangers that many of them took home in their work clothes. These victims and their families come to visit me—lovely young women from the Chicago suburbs with beautiful children, and they show pictures of families whose husbands were lost in their early forties to mesothelioma.

This bill says that compensation for victims of asbestos is capped at $1.1 million. If you happen to be a mesothelioma victim, that's only $1.1 million for medical bills, lost wages, and to raise children. That is a figure which might have sounded pretty large to start with, but it begins to be very modest when you look at individual victims and their families. That is why the victims have come to us and said: Don't replace the court system in America with this approach. It is not fair to the victims.

Others have come to us as well and said that the way you put the money into the trust fund, which is supposed to pay the victims, is a mystery. We have repeatedly asked the chairman of the Judiciary Committee who is the sponsor of the legislation, to provide us with the documentation. Please show us how $140 billion will adequately compensate the victims of asbestos exposure over the 50-year life span of this bill. We are still waiting for the information. So we are going to replace the court system with a trust fund. We are going to say that $140 billion will be enough for 50 years, without any evidence of how that number was arrived at or whether that number will really meet the needs of the victims. I will speak in a few moments about those experts who have analyzed this bill and found that the numbers underlying the assumptions are totally wrong.

Another group that comes to us to discuss this bill are those being asked to pay into the trust fund that will be created by this bill. The argument has been made on the floor, thank goodness, that the taxpayers won't have to pay into this. These will be businesses and insurance companies which will put money in the trust fund so they don't have to pay out asbestos claims any longer in court. Well, it turns out that some businesses will do quite well. Some of them are going to receive a windfall in terms of what they have put into this fund as opposed to what they might pay in court.

U.S. Gypsum is a company that has a large legal exposure for asbestos. Because of corporate reports they made public in the last couple of weeks, we now know that, in order for the company to pay out all the existing claims filed against USG by victims of asbestos, they estimate it will cost them in the range of $4 billion. This chart is an excerpt of an article from BusinessWeek dated January 27, 2006, which says, USG is willing to cough up $4 billion to settle victims' claims. That is $4 billion of asbestos exposure for this one corporation. So if they didn't pay that amount in court settlements, and instead came into this bill, what would they pay into this trust fund? That figure is $900 million, according to USG's own corporate report.

This is a windfall. They have to be smiling and praying this bill is going to pass because if it does, the company is off the hook for over $3 billion of legal liability that they even admit to in court. And who will make up the difference? Who is going to make up the $3.1 billion this company should be paying the victims? Other companies. Companies that may never have had many lawsuits filed against them because of asbestos, and companies that have never paid out a penny in terms of asbestos claims, even if they were sued. These smaller companies will be expected to pay millions and millions of dollars into this trust fund when larger companies are walking away with a windfall.

So we asked again to the sponsor of this legislation: If you cannot tell us how you arrived at the figure of $140

billion, can you at least give us the names of the companies and how much they are expected to contribute into this trust fund? And we are still waiting.

The chairman spoke yesterday about how he was going to subpoena these records. I hope they will be produced during the course of this debate. I hope we will have a list of all the businesses with——

Mr. SPECTER. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. SPECTER. Is the Senator from Illinois aware of the fact that the Judiciary Committee, on which he serves, issued a subpoena and has the names of the companies that are going to be contributing to the trust fund.

Mr. DURBIN. I know the chairman made that statement yesterday, and I am hoping he will share that information.

Mr. SPECTER. Mr. President, I am advised by staff, since I posed the question, in a note to the effect that Senator DURBIN's staff did come to look at the list. Is the Senator from Illinois aware of that?

Mr. DURBIN. May I respond to the chairman by stating that I understand this information on the list has been characterized as confidential information before the committee and cannot be shared publicly.

Mr. SPECTER. The pending question—and I will be glad to answer his—is, Does the Senator from Illinois know that his staff came to look at the list?

Mr. DURBIN. I am aware of the fact they reviewed it, but I am also aware of the fact this has not been made public as part of this conversation and part of this record.

Mr. SPECTER. Mr. President, with all due respect, the issue isn't whether it has been made public, the issue is whether it is in existence, and the issue beyond being in existence is whether it is available to Members who have to vote on the bill. So when the Senator from Illinois asserts that you don't know who is making contributions, it is simply not so.

The issue of confidentiality is true. It has been raised by the companies because they are concerned that if it is disclosed how much they have contributed or are proposing to contribute that they may be targets for more litigation.

I don't wish to interrupt the Senator from Illinois further. I simply wish to make the point that he is wrong when he says we don't know who is going to contribute the money, and his own staffer has taken a look at the list.

Mr. DURBIN. Let me respond, if I may. Why is this cloaked in secrecy? Why is this a secret conversation? How can we have confidence that the $140 billion figure has any validity? How can we have confidence that the businesses that will be called on are going to be able to contribute to this fund if this is cloaked in secrecy and confidentiality? Most of these lawsuits are open, public record. It is hard for me to imagine that a business is going to be sued because someone has identified them as a potential contributor to this trust fund.

Nevertheless, if we are expected to replace the court system in America with this new trust fund system, how can we do it with any confidence if all the information is not on the table? Why the secrecy? What are we concealing? What we are concealing, frankly, is the most controversial elements of this bill: a question of whether $140 billion will actually pay the victims—and I doubt that it will—a question of whether companies are going to be asked to pay into this trust fund who shouldn't be asked to pay into the trust fund and, subsequently, may be forced into bankruptcy, closing their doors because of it. These are questions of great moment. To say a staff person can have access to secret files in an office hardly gives any comfort in the midst of a public debate about an issue of this magnitude.

Mr. SPECTER. Mr. President, will the Senator from Illinois yield further?

Mr. DURBIN. I will yield for a question.

Mr. SPECTER. Is the Senator from Illinois aware, putting it in the form of a question, that he has made a shift in positions, first asserting that we don't know who is going to contribute the money, then finding out that we do know who is going to contribute the money, that, in fact, his staffer has looked at that list, and he is now raising a different issue as to what is the need for secrecy?

That is not the point about which I raised the question. When he talks about litigation, there are many confidential matters in litigation which remain confidential on a showing of cause. So my question to the Senator from Illinois is, does he realize that he has shifted his position from objecting to the status where nobody knows who is contributing, changing to why the reason for the secrecy?

Mr. DURBIN. I say to the Senator from Pennsylvania——

Mr. SPECTER. As a couple of experienced trial lawyers and debaters, or at least he is an experienced trial lawyer and debater.

Mr. DURBIN. As the Senator from Pennsylvania is as well. In response, unless and until we put this information out to be reviewed in a comprehensive and honest way, I don't believe we can stand before the American people and say this is a good replacement for the courts of America.

Let me tell the Senator what happened. A member of my staff was invited to the Senator's office to view the secret list. He was warned ahead of time not to take any notes, not to make any copies, and not to disclose the nature and substance of the secret list because they were treated as committee confidential. My staffer went to view the list and reported to me the information wasn't very helpful in answering the most basic questions about the companies, their liability, and, of course, the impact on each company and whether they can survive the contributions to the trust fund.

Under the committee confidential rule the chairman has imposed on all staff members reviewing this list, I am not sure I can say much more about this secret list on the floor, but I will say this is a highly unusual process to have secret lists, secret information, and confidentiality, when we are literally talking about people's lives and health. I don't think the Senator can come forward and meet his burden of proof, to go back to the language of trial lawyers, that we should replace the court system in America based on secret lists kept in his office. That strikes me as a far cry from the kind of public debate which we should invite for this bill.

Mr. SPECTER. Mr. President, will the Senator yield further for a question?

Mr. DURBIN. I have been more than happy to yield, and I will continue to yield.

Mr. SPECTER. How can the Senator call it a secret list when it is available for his inspection?

Mr. DURBIN. I say to the Senator, when he makes it available for the inspection of all Members and the American people, it is no longer a secret list. Mr. President, is the Senator prepared to do that? That is my question, without yielding the floor to the Senator.

Mr. SPECTER. I will review the matter with the view to see if we can make it public. I am open to any modification which is reasonable. I am not bound by any protocol, and I will go back to the providers of the list to see if it can be made available. But when the Senator from Illinois asserts that it is secret, he is simply wrong. It is not secret. He can look at it. I think he raises a good point when he says that nobody can make a copy of it.

Offhand, on horseback, on one foot, I think staffers should be able to make a copy of it. Take the copy and show it to the Senator. I think that is reasonable, with the agreement of the staffer and the Senator that if we decide to retain the confidentiality, they will respect that. I trust Senator DURBIN and I trust his staff to honor confidentiality if we stick with it.

As I say, I will review that as well. But Senator DURBIN has to make a decision. I am sure Senator DURBIN has an open mind on this question. Now that I reflect on it, I am not so sure he does have an open mind on this question, and he doesn't have to have an open mind on this question. I think he raises a good point when he says we ought to know who contributes the money. I raised hell to get the information and finally had to raise a subpoena to get the information. We have it so that it is available for those who have to make a decision.

When he carries the point further that he would like to see it made public, if I can accommodate that, I will.

Mr. DURBIN. I was happy to yield again to the Senator, whom I respect very much. I tell him, for the record, on May 25 of last year, we sent a letter to him about Goldman Sachs, asking that we have some information about the $140 billion figure, how it was arrived at, and how it will be paid for. So this is not the first time this issue has come up.

It is curious to me that we are writing a bill that is going to change the laws of all the States of America, and if we are going to close those courtrooms across America. Yet the Senator from Pennsylvania had to issue a subpoena to obtain a list of the names of the companies that are going to contribute to the trust fund. This is a very strange process.

Usually, legislation emanates from within Congress and affects the outside world. It appears that the secret list at issue emanated from the outside and whoever created it wasn't anxious to share it. So if there is skepticism by those of us critical of the bill, I think there is good reason.

We never received a reply to our May letter of last year. It is an indication to me that this whole process has been very unusual and very different from any process I have seen.

Somewhere, someone has come up with a number as to how much we need to compensate these victims, and someone has come up with a source on how that number will be arrived at, and the chairman had to go to the lengths of subpoenaing the information that was the basis for this bill that will affect hundreds of thousands of Americans and their lives.

Mr. SPECTER. Mr. President, will the Senator will yield further?

Mr. DURBIN. I will be happy to yield.

Mr. SPECTER. When he says I haven't responded to his letter, I have responded to his letter by getting him the information. The Senator from Illinois is diligent, resourceful, and raises lots of questions. I would challenge him to say I haven't responded to all of them.

Mr. DURBIN. I say to the chairman, he is the most responsive Member I can think of, and I thank him for his service and friendship. I have shared with him my concerns on this issue, and he has gone so far as to issue a subpoena.

The point I wanted to make to the chairman is raising this issue was not sua sponte. I started asking this question long ago as to why we couldn't get the most fundamental——

Mr. SPECTER. Parliamentary inquiry: Does sua sponte apply to this discussion? I withdraw the parliamentary inquiry.

When the Senator from Illinois says the chairman had to issue a subpoena, I consider it a compliment. I have had to deal with stakeholders on all sides who have been recalcitrant. We haven't—I, we, Senator LEAHY and I—haven't left any stone unturned. If people who want this bill and are obligated to provide money won't give the information I want, if they are for the bill and they are for the position I am sponsoring, I am going to get tough about it. I am going to get a subpoena so that Senator DURBIN knows what is going on, and I think the American people, through their elected representatives, will know what is going on.

Does the Senator want me to yield? If I can get wider distribution, I will.

Mr. DURBIN. Let me reclaim my time but also say to the chairman, parenthetically, what we engaged in—yielding back and forth—draws perilously close to debate on the Senate floor, which we try to avoid at any cost. I will do my best to always yield to meaningful questions and comments as those made by the chairman of the Senate Judiciary Committee. But I want to return to my comments.

This is a curious situation, where the chairman of the committee who wrote the bill had to issue a subpoena to get the information about what the bill meant. Now that is a curious situation. It leads one to believe that someone else, other than this committee, is writing the bill. Who could that possibly be? Who has enough interest in this matter to want to move forward with passing this bill outside of Capitol Hill? I gave one example earlier of one corporation which stands to gain $3.1 billion if this bill passes. Those are companies very interested in this bill.

There has been a lot of talk on the floor about the lobbying effort on behalf of this legislation. It has been huge.

(Ms. MURKOWSKI assumed the Chair.)

Mr. SPECTER. Madam President, will the Senator from Illinois yield for a question?

Mr. DURBIN. After I finish my sentence, I will yield. I concede this bill is a clash of special-interest titans on both sides. I think proponents of the bill have invested a lot more in its passage than those who oppose it. Maybe we will never know the true figures, but the interesting thing is that the first bill of this Senate session is not a bill to address the Medicare prescription drug crisis, it is not a bill to provide affordable, accessible health care to Americans, it is not a bill to deal with the energy crisis and the heating bills that are killing us in the Midwest and the Northeast, it is not a bill to deal with pension security for workers who are losing a lifetime of pension investment to a merger or a bankruptcy or corporate sleight of hand. It is a bill that is brought by lobby groups and special interests that have invested tens of millions of dollars trying to force this issue and bring this matter before us on the Senate floor.

Mr. SPECTER. Madam President, parliamentary inquiry: Has the Senator from Illinois finished that sentence?

Mr. DURBIN. I just finished. That was a period.

Mr. SPECTER. There are a lot of semicolons in that sentence, then.

Mr. DURBIN. I am not yielding the floor unless the Senator wishes to ask a question. Then I will be happy to yield.

Mr. SPECTER. There is a lot of competition for the floor. There are three of us on the floor. A lot of competition for it.

When the Senator from Illinois talks about special interest groups, there are others involved in this legislation and they are the victims. They are thousands, tens of thousands of victims who are suffering deadly diseases. Those are the people about whom this Senator is concerned.

Yesterday I put into the RECORD an article from the front page of the Hill about $3 million being spent by lobbyists to defeat this bill. Today the New York Times has a detailed story about how much money is being spent to defeat this bill.

It is true there are some who want this bill—the manufacturers and some insurance companies. But the people who really want this bill are the victims.

I take just a little umbrage at one sentence, one statement made by the Senator from Illinois when he says that because I have to subpoena material, it raises a question about who is writing the bill, that somebody else is writing the bill.

Let me assure you, Madam President, and anybody who may be watching on C–SPAN—if we had anybody, we lost them a long time ago—no special interest has written this bill. It is a non sequitur. I have to respond in some way to sua sponte. It is a non sequitur to say that because it was necessary to subpoena information that somebody else wrote the bill.

Mr. DURBIN. Without yielding the floor, would the Senator please tell us what Government agency he subpoenaed for the information to produce the secret list?

Mr. SPECTER. I will be glad to respond. I didn't subpoena any governmental agency. We subpoenaed the companies who were obligated to provide the money.

Mr. DURBIN. Without yielding the floor, would the Senator please state for the RECORD the names of the nongovernment agencies, private companies he had to subpoena to understand the underlying basis for this trust fund and how $140 billion was arrived at?

Mr. SPECTER. I didn't have to subpoena anybody to understand the underlying basis for this bill. This is my bill. I understood it when I thought it through and when I wrote it. Will I provide the names of those who are to be contributors? I do not have them at my disposal, and I certainly don't have them in my mind. But the staffer from the Senator from Illinois has already seen them and I would be glad to personally take the Senator from Illinois to look at the list.

Mr. DURBIN. Madam President, if this were a courtroom I would say the witness is not responsive. I asked the Senator a very direct question: Who did you send the subpoena to if it wasn't a government agency? And the answer, he knows, is: A private company. The obvious question is: Why are private companies writing a bill we have on the floor of the Senate today? They are writing that bill because they have a deep, personal interest in this bill. They are going to do quite well, thank you. Some companies are going to end up, as a result of this legislation, walking away from their legal liabilities in court for asbestos injury and asbestos death. These are the companies that want to see us close down the court system for these victims and create something else because they are the winners.

I hope the Senator from Pennsylvania—I don't want to create any umbrage, or raise any questions about his integrity. I am not. But I hope he will at a later point in the day come to the floor and disclose the names of the private companies that created the secret list that suggests there may be thousands of corporations across America that will have to contribute to this trust fund.

I wish to go to the most basic questions about the $140 billion. Where did we come up with $140 billion? How can we suggest that over the next 50 years or more that will be enough? It is important that it is enough. Yesterday my friend, the Senator from Pennsylvania, addressed this issue. He came to the floor and this is what Senator SPECTER said about this $140 billion figure:

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

Senator SPECTER went on to say something else, and I think is a very important statement. It is a long sentence, but bear with me:

> 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 like we're going to exceed the $140 billion, we can make modifications in the medical standards and criteria to stay within the $140 billion.

End of quote from the Senate floor. A statement by the chairman of the Judiciary committee yesterday stating there will be modifications in medical standards and criteria. Make no mistake what that means. It means less money for victims. It means if this fund runs out of money, the victims will receive even less. So the winners will be winning more, the losers losing more. And the victims will be the ultimate all-time losers in this situation.

I think it was an honest answer. I believe Chairman SPECTER was very candid in what he said. He could have said that if we exceed $140 billion in claims, that we would return all the cases to the tort system and the court system. But he knows if he said that, it would be hard to explain how we get into this trust fund for a few years, close the courthouse door, cut off all the pending lawsuits, and then declare the trust fund doesn't work. He didn't say that.

He could have said the Federal taxpayers will have to step in at that point and take care of the victims. But he knew that would cause a problem, not just on his side of the aisle but across the Senate. A Federal bailout is not viewed very positively when our Federal budget is facing the deepest deficits in the history of the United States.

So he said, and I admire his candor, we will just reduce the amounts we pay the victims. That is how we will make $140 billion work. That is a very candid and straightforward, but harrowing answer.

To say to people, if you were in the midst of a lawsuit, if you have worked around asbestos and have asbestosis and you are limited in your activities and maybe in the span of your life, and you filed a lawsuit against the company that exposed you to this asbestos, and you worked—and I know this because I used to do this for a living—worked for years to get that case into court with great sacrifices and frustrations and motions and continuances, and you are finally there—when this bill passes, if you don't have your case before a jury, you are finished. Close the door. Take your file home. You get to start all over.

Then what happens? You go into this trust fund, which on balance will probably pay you less, and you hope and pray there will be enough money there to pay you. If there is not, Senator SPECTER has said we will cut back your pay and your compensation for being injured by asbestos until we can hit this magic $140 billion number. That is the reality of this bill.

I think it is fair to ask, Is the $140 billion figure accurate? I have been through this on the Senate Judiciary Committee for several years. Senator ORRIN HATCH offered a version of this bill. He began by saying all we need is $90 billion over 50 years. Then we got into a committee debate and markups, and the figure moved up to $154 billion during the course of committee process. At that time the CBO, the Congressional Budget Office, estimated it would cost between $124 and $136 billion for anticipated claims.

Since this virtual endorsement of the trust fund bill from 3 years ago, the Congressional Budget Office has progressively but unquestionably expressed greater and greater reservations about that number, about the viability of the trust fund and whether the figure we are talking about today is an honest figure to compensate victims.

Let me share this report from the Congressional Budget Office. I will read it:

> There is a significant likelihood that the fund's revenues would fall short of the amount needed to pay valid claims, as well as debt-service and administrative costs. There is also some likelihood that the fund's revenues would be sufficient to meet those needs. The final outcome cannot be predicted with great certainty. Without a substantial increase in the resources available to the fund, there is no way to guarantee the fund will not either revert to the court system or require additional funding.

That is an honest answer. When we ask this official organization of Congress that is supposed to assess whether $140 billion is enough, their honest answer is, we can't say either way, but we certainly can't give you a guarantee that $140 billion is all that will be needed.

The Congressional Budget Office went on to say, in analyzing the bill before us:

> CBO expects the value of valid claims likely to be submitted to the fund over the next 50 years could be between $120 and $150 billion, not including possible financing (debt services) costs.

Remember those words. Because it turns out the money from companies will not come into the trust fund fast enough to pay the massive influx of claims right at the start, the trust fund is going to have to borrow that money. And in borrowing money, the trust fund has to pay interest and finance costs. And all of the lamentations on the floor here about attorney's fees notwithstanding, at the end of the day, we will find that substantial amounts of money in the trust fund will be paid in interest costs, from the borrowing to try to keep this fund afloat as legitimate asbestos victims ask for their fair compensation.

That is a reality. It is a reality that suggests the $140 billion figure cannot be substantiated. If this were an idea of Senator Daschle and Senator FRIST a year and a half ago, as much as I respect both of them, and I respect them very much, I don't know that either one of them is actuaries, nor do I know that they have the expertise to come up with a magic figure to predict the cost of this trust fund over a 50-year lifespan.

Let's take some of these concerns directly.

> The CBO states that the expected $120–$150 billion in qualified asbestos injury claims on the trust fund "does not include possible financing costs and administrative expenses. The interest cost of this borrowing [they say] would add significantly to the long-term costs faced by the fund. . . ."

What are the financing costs? We are talking about debt service, money the Federal Government has to expend in order to either lend on its own to the new trust fund or go to private capital markets. The debt service costs could reach $50 billion or more.

We would find, then, that more than a third of the money going into the trust fund would be used to pay out in interest costs, not in victim compensation. Why? Because the secret and maybe soon public list of contributions by companies and insurance companies

indicates not enough will be coming into the fund to match all of the injured victims across America who are going to be turning to this new fund, which, at the same time, closes down the court system for hundreds of thousands of American citizens.

Here is more of the CBO's analysis:

> Because expenses would exceed revenues in many of the early years of the fund's operations, the administrator would need to borrow funds to make up the shortfall. The interest cost of this borrowing would add significantly to the long-term costs faced by the fund and contributes to the possibility that the fund might become insolvent.

Is it worth the gamble? Is it worth the gamble for us to pass a fund to close down the court system, to tell people who have worked for months and years to bring their case to a judge or a jury that they are now out of the system, then close the courtroom doors? Is it worth the gamble to them and their families that our calculations are right? Should we replace the court system on the possibility that we have guessed right about $140 billion, that in fact it would not become insolvent? Or should we shrug our shoulders and say, well, if we guessed wrong, what is the worst thing that could happen? According to the author of this bill, the victims will receive less money.

So when the chairman of the Judiciary Committee suggests that the chorus of voices of victims is what brings us to the floor today, I would say to him I am sure there are some who are in that chorus, but it might not be much more than a small quartet. The larger choir of victims across America has told us about their opposition to this bill. I could read that list of victims, unions, and other groups into the record. They are telling us this is the wrong thing to do. It is unjust to close the courthouse door to thousands of people across America and to say to them: Trust us, we have an idea for a trust fund. It has never been tried before, we are not quite sure of the figure, the contributors to the trust fund are on the secret list which may become public, but trust us. It is well worth your life and your health.

There is a group called Bates White which testified before the Senate Judiciary Committee, a group that has represented businesses and various organizations.

In September 2005, this economic consulting firm issued a report about this bill. I don't know why they conducted this report, but I have read it and attended a Judiciary Committee hearing where Dr. Charles Bates of that firm testified. According to the author, the report examined the viability of the fund. They focused on two primary categories of claimants who posed the greatest threat to the fund's financial viability.

First, they conclude that the bill would create entitlements for many individuals with lung and other cancers who were not compensated in the historical tort environment. The Bates White report states this entitlement likely will result in at least a tenfold increase in the number of other cancer victims relative to the cases being brought in our courts today.

Here is why. Based on epidemiological studies between 2000 and 2055, some 3.5 million people in the eligible population covered by this bill will develop lung or other cancers, not including mesothelioma. Asbestos is only one of the myriad of significant risk factors that may be causally related to lung and ''other'' cancers. But S. 852 would compensate all cancer claimants who have minimal pleural or lung changes based on subjective x-ray readings.

According to this study, the filing rates for the trust fund are also expected to increase substantially over the historical rates in the tort system due to the relative ease of the filing which is to be created by this trust fund bill. Thus, according to Bates White, the bill would compensate for a dramatically larger number of patients.

Second, the Bates White report concludes that the bill is going to revive what they call ''dormant claims,'' which are asbestos injury lawsuits that have been settled with most but not all defendants. The bill allows some claimants who filed their lawsuits prior to 2000 to be eligible for payment in the trust fund if those claims have not been fully resolved. Thousands of such cases currently remain on court dockets.

This incremental entitlement for the differential between the amounts collected in such suits in settlement or judgments, and the amount awardable from the fund, they estimate, could total up to $26 billion. And if these victims seek to recover the difference, that would add significantly to the cost of the trust fund.

Let me say at the outset that I think the court system as well as the trust fund should be generous to victims. As I said earlier, I don't know of a single victim of asbestos exposure who knowingly and willingly exposed themselves. Many of them were duped by deception of corporate officers who insisted there was no danger involved.

I am not questioning the decision in the bill to extend such payments, but I do join Bates White in questioning whether the programs set forth in the bill can be paid for. What Bates White has said is, if you look at the bill as it is written, and the people who will be compensated, it is going to cost dramatically more than earlier estimates.

Based on these two factors and using very conservative economic assumptions, the Bates White study concludes the bill would create entitlement claims valued between $301 billion and $561 billion.

The bill's trust fund is capped at $140 billion. This study says the amount of payouts could be more than double, or as much as three times, or even more than that in actual payouts. That is how far we could have missed the mark when it comes to this economic analysis underlying this bill.

What this study found raises serious questions about the solvency of this fund: Saying to the thousands of victims, Close up your court case, stop working with your attorney, stop going to the courthouse, we are going to take care of you, and then we don't. We come up with a $140 billion trust fund that is inadequate to the needs of these victims.

I also want to point out that Bates White updated their study yesterday. The economists at this firm announced this week that they found a $90 billion error in the Congressional Budget Office's analysis of this same bill.

This is a serious issue. It should be serious enough to take this bill off the calendar. If the CBO's estimate is wrong by $90 billion, we have to stop where we are. We shouldn't go forward. Bates White's new analysis demonstrates this oversight.

According to the numbers the Congressional Budget Office presents in its own report, CBO asserts that 1.5 million individuals will receive compensation for nonmalignant conditions, meaning they have bilateral pleural disease and 5 or more years of exposure. Under this bill, these victims are entitled to medical monitoring.

Yet, national cancer incidence rates establish that more than 200,000 of these claimants among the 1.5 million will eventually develop lung or other cancers.

This means, if we take the CBO numbers as the baseline, there could be an additional 200,000 claimants who will qualify for lung and other cancer claims, which are paid out much higher levels of compensation in this bill. Yet the Congressional Budget Office's current estimate takes into consideration only 28,000 people in this category.

So, the new information from Bates White presents a real concern that the Congressional Budget Office may have missed at least 170,000 potential victims who weren't considered in the CBO's earlier analysis.

The Congressional Budget Office relied on an arbitrary standard assumption that only 15 percent of the population will ever file for the higher claim. These additional claimants represent more than $90 billion in additional costs to the fund.

CBO's estimate currently assumes that 85 percent of qualifying claimants who took the trouble to sign up for medical monitoring under this bill would not file the paperwork to collect their entitlement if they ever developed a more serious illness down the road. This is not a credible scenario.

After all, isn't the purpose of medical monitoring to provide early detection of these and other diseases, which means that more people rather than fewer would have the opportunity to learn about such illnesses?

As late as yesterday, there are new, fundamental questions being raised about whether this trust fund at $140

billion gives us an honest figure to work with. If it is not an honest figure, it means as the years progress, we are going to have to reduce payments to victims.

To suggest this is a victims bill is to overlook the obvious: the starting point of the bill is so flawed. Let me show you some charts about how this will be funded because I think they are a good indication of the problem that the fund faces in convincing a majority of the Senate to support this bill.

This is a chart which addresses the timing of this bill, comparing when the liabilities will arise for claims coming into the fund, versus when the revenues from the companies will come into the trust fund. As you can see, the red line shows liabilities which are very high in the earlier years, but you will notice the low green line is never adequate to meet the needs of liability. From the outset, the fund is falling behind. Simply stated, it is not collecting enough money to compensate victims.

One of the arguments being made is we have to replace the court system because it takes so long; there are delays. What is going to happen when this fund doesn't have enough money and hundreds of thousands of Americans who are sick and dying come for compensation?

At best, we will borrow money, adding more cost to the fund dramatically, or we will tell them to wait in line until we have received enough trust fund revenue to pay them. Or, I suppose, as the chairman said yesterday, we will just say we can pay them now, but we will have to pay them less than what we promised in this bill. That appears to be the range of options based on the way we are dealing with this issue.

Take a look at this chart which shows that liabilities will greatly exceed the assets of the trust fund from the very start, and the excess—the red line—continues to build over the years. This is a 50-year period of time. You can see even with the revenue coming in that it never matches the liabilities they anticipate. This chart doesn't even include the new information from the Bates White study, which could mean there is even a greater amount of shortfall in this trust fund.

Let's talk about interest costs for a moment. The fund borrows in its early years because, obviously, all the corporations on the secret list can't come up with all the money they are supposed to produce initially. Some of them will take a period of time. In fact, some of them have told us to forget it, that this bill will end up bankrupting them. So those companies will disappear.

But in the meantime, there are still needy victims and people who would otherwise go to courts for compensation. The fund starts to borrow in its first years to meet the shortfall but realizes barely half the value of future revenue, and the other half has to be used to pay interest.

Senator HATCH was here a few moments ago speaking about attorney's fees and how that is taking money away from victims. Some would argue that without an attorney, many victims would never have their day in court or a chance to succeed in court. What we have here is the fact that we will be paying into this trust fund and almost half of the revenues will be spent on interest and administration. Out of the $140 billion in the trust fund—which may not be enough—almost half of it is going to go to pay creditors, financial institutions, banks, maybe foreign governments. I don't know who will lend money to this trust fund. We will pay out interest to them, and we will have less to pay to the victims.

This was really supposed to be an upfront, no-fault system to help victims with $140 billion compensation over 50 years. It turns out that the real steady winners are creditors of the fund. According to one analysis, as little as 52 percent of the trust fund could be used to pay the claimants and 48 percent for interest, which is almost half of the amount of money during the life of this fund.

Some suggest that we are doing a great favor by creating this trust fund. Well, it is a great favor for sure to credit institutions but to the victims, it is not. As more money is paid out in interest, less is available for the victims.

What the Senator who authored this bill said yesterday is, We will just cut the compensation. That is the way we will make up the difference. For every dollar of interest paid, we pay one dollar less to someone who is dying of mesothelioma. That is how this is being conducted.

The sponsors have put a lot of time in this bill, and it was a Herculean task to try to address something 50 years in the future. I concede to all of that. But shouldn't the people who are pushing for a change have the burden of proving that change is an improvement over status quo? Shouldn't that be the starting point of a debate?

If you want to change the current system, shouldn't you have the burden of establishing that your change is a good one, and that $140 billion is the right figure, rather than to say that Senator Daschle and Senator FRIST thought it was a good figure? Shouldn't you have the burden of showing that the input of money into the trust fund from the secret list of corporations and insurance companies is going to be adequate to meet the payouts of the victims? Shouldn't you have the responsibility of showing that $140 billion is going to go to the victims rather than to creditors and financial institutions and interest and administrative costs?

Isn't that the starting point? I think it is. Once they have met that burden of proof, then we can say: All right, we will compare the court system to your trust fund and decide which is the better way to go. But they have not met that burden of proof. They have asked us to accept on faith that this trust fund is going to treat victims fairly on a timely basis. I think many people are concerned about that.

There will be enormous amounts of claims that are expected to flood into this trust fund on day one, and by that time all the cases in court will be shut down if they are not at the jury stage. Let me repeat that important fact. If the litigants are not presenting any evidence in court, all of those cases will be shut down, according to this bill.

You know those victims are going to turn around and say: My husband is dying. My husband has limited activity and can't work. Where do I go now?

They will be told: Come to the trust fund. Come to this $140 billion trust fund.

We can expect a flood of applications in the early stages if this trust fund is created. Will the Department of Labor be able to create this new office and new bureaucracy to manage this flood of claims?

For those of you who have any doubts about the efficiency of government and its ability to respond to millions of people in need, I would suggest the following words: the Medicare prescription drug bill. You know what I mean.

This system which was created 2 years ago by the Senate and the House and signed by the President was supposed to compensate some 40 million Medicare recipients for their prescription drugs. Ask any Senator in this Chamber what they have heard back home. This is a disaster. They had 2 years to be ready. And, unfortunately, this system is fatally flawed. One critic said it is an unsalvageable fiasco and lives are at stake. Senior citizens now wonder if they can get their prescription drugs filled, and for some of those it is critical for them to just keep going on a day-to-day basis.

Now they are being told in this bill to trust us again.

We are going to create a Federal trust fund where hundreds of thousands of claims may come in initially and ask that they be compensated on a timely basis, and they will be told by the Federal Government, trust us, we will give you the money right away.

That is cold comfort for someone who has been sitting for a year or two with medical records and lawyers getting ready to present their case in court. But if they aren't among the fortunate few who have brought their case to a jury or to a judge, presented their evidence, and ended up with a verdict or settlement, then, unfortunately, everything they have done is for naught. They are tossed out of the system.

These victims deserve better than empty promises in this bill. They and the Senate deserve solid information about how this bill will work and remain solvent throughout the entire lifetime. Without such information, the Senate should reject this bill.

The PRESIDING OFFICER. The time for the recess has arrived.

Mr. DURBIN. Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. THUNE).

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

TRIBUTE TO PROFESSOR THOMAS CROMBIE SCHELLING

Mr. REED. Mr. President, I rise today to recognize Professor Thomas Crombie Schelling, distinguished university professor emeritus in the Department of Economics and the School of Public Policy at the University of Maryland at College Park, recipient of the 2005 Nobel Memorial Prize in Economics for his work in game theory analysis. Professor Schelling shares this prestigious award with Robert J. Aumann of Hebrew University in Jerusalem to whom I also offer my most heartfelt congratulations.

I had the privilege and the pleasure of being one of Professor Schelling's students at the Kennedy School of Government at Harvard University in the early 1970s. Having just graduated from West Point, I was pursuing a masters degree in public policy at the Kennedy School. The public policy program, then, was a new initiative to train recent college graduates for careers in public service. The Kennedy School had assembled a stellar collection of scholars in the fields of political science, economics, quantitative methods, and statistics. Tom Schelling was already recognized as one of the preeminent economists of his generation and was a leader in the economics instruction of the public policy program.

Professor Schelling's classes were fascinating discussions about topics ranging from social costs and externalities to the incentive structures necessary to diminish conflict. Rather than being couched in jargon and equations, he was able to talk in familiar terms and used familiar examples, such as cows grazing on common areas or an informal economy based on the trading of cigarettes in a POW camp. I must confess, I was not altogether prepared for his folksy but penetrating intellect. But on reflection over many years, I have come to see it as one of the most useful and powerful courses that I have ever been fortunate to take. I realize that his point was to make us think, not just to give us some techniques. His insightful framework of analysis has been extremely useful to me in all my endeavors.

Professor Schelling's professional standing was matched by the personal regard that his colleagues and students displayed for him. I was fortunate to associate with a gentleman whose integrity and decency and kindness left a lasting impression.

Professor Schelling received the Nobel Prize ''for having enhanced our understanding of conflict and cooperation through game-theory analysis.'' His first book: ''The Strategy of Conflict,'' published in 1960, ''set forth his vision of game theory as a unifying framework for the social sciences. Professor Schelling showed that a party can strengthen its position by overtly worsening its own options, that the capability to retaliate can be more useful than the ability to resist an attack, and that uncertain retaliation is more credible and more efficient than certain retaliation.''

Professor Schelling's groundbreaking work laid the foundation for ''new developments in game theory and accelerated its use and application throughout the social sciences. Notably, his analysis of strategic commitments has explained a wide range of phenomena, from the competitive strategies of firms to the delegation of political decision power.''

As a result of Professor Schelling's work, the theoretical realm of game theory can now be applied to the real world. This real-world application is known as interactive decisionmaking theory and is used to explain why some individuals, organizations, and countries succeed in promoting cooperation while others suffer from conflict. His insights have proven extremely relevant in conflict resolution and efforts to avoid war.

Born on April 14, 1921, in Oakland, CA, Professor Schelling's distinguished career spans five decades. After earning a degree in economics at the University of California at Berkeley in 1944, Professor Schelling worked at the U.S. Bureau of the Budget and served in Copenhagen and Paris under the Marshall Plan. He received a Ph.D. in economics from Harvard University in 1951 and worked for the Truman administration. He later became a professor of economics at Yale University, held a position at the RAND Corporation, and, in 1958, joined the faculty of Harvard University as a professor of economics. In 1969, Professor Schelling also began to teach at Harvard's Kennedy School of Government, where he held the chair as the Lucius N. Littauer Professor of Political Economy. He left Harvard in 1990 to teach at the University of Maryland.

Professor Schelling has been elected to the National Academy of Sciences, the Institute of Medicine, the American Academy of Arts and Sciences, and was president of the American Economic Association, at which he is a distinguished fellow. He was the recipient of the Frank E. Seidman Distinguished Award in Political Economy and the National Academy of Sciences Award for Behavioral Research Relevant to the Prevention of Nuclear War. Professor Schelling has written 10 books and published extensively on military strategy and arms control, energy and environmental policy, climate change, nuclear proliferation, terrorism, organized crime, foreign aid, international trade, conflict and bargaining theory, racial segregation and integration, the military draft, health policy, tobacco and drug policy, and ethical issues in public policy and in business. His range of inquiry and his searching mind have covered a vast panorama of the issues of most concern to America over the last 50 years.

Professor Schelling is a member of a generation that has borne witness to many extraordinary events; however, in his own words ''the most spectacular event of the past half century is one that did not occur. We have enjoyed fifty-eight years without any use of nuclear weapons.'' His work, and the work of Professor Aumann, has been guided by the desire to enhance the understanding of conflict and cooperation and deepen the world's understanding of human behavior, relationships, and motivation in an effort to prevent the catastrophe of nuclear war.

Professor Schelling, thank you for all of your contributions to the preservation of peace and, again, congratulations on your outstanding achievement.

I yield the floor.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2005—Continued

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I want to spend the next 20 minutes or so talking about the asbestos reform legislation that is pending before the Senate.

During the 3 years I have been in the Senate, I have had the great honor and privilege of serving under two great chairmen of the Senate Judiciary Committee, Chairman ORRIN HATCH and Chairman ARLEN SPECTER. This bill that has come to the floor is the product of a Herculean effort, starting with Senator HATCH as chairman of the committee, and now in the able hands of Senator SPECTER. Along with our ranking member, Senator LEAHY, they are cosponsors of this bill.

I am one of 18 members of the Judiciary Committee who voted to get the product out of the committee and to the floor of the Senate because I believe it is imperative we find a solution to the scandal-ridden asbestos litigation crisis facing this Nation. But I was one of seven Senators who expressed some strong reservations about the bill in its current form, and I think I owe it to my colleagues to explain what we were thinking, what at least I was thinking, and what some of those reservations are.

First, to address the problem confronting this country when it comes to the asbestos litigation crisis, the RAND Institute has documented that out of every dollar that goes into this asbestos litigation compensation system, only 42 cents actually goes to the claimant. A person who may have mesothelioma—a terrible and fatal cancer that is caused by inhalation of asbestos fibers—gets only 42 cents on the dollar. The rest of it is consumed in what might sort of innocuously be called transaction costs; that is, the costs of a lawyer to pursue that claim in court, as well as the lawyer hired by the defendant or defendants, as the case may be, together with court costs and other associated expenses of litigation.

Well, obviously, with an override of 58 cents on every dollar paid, the transaction costs are steep indeed and cry out for some redress.

The other problem in the current system is that over the years there have been so many claims brought on behalf of individuals who may have been exposed to asbestos but who have no current impairment—in fact, may never get sick as a result of that exposure—that dozens, indeed, I think the number is somewhere in excess of 80 different companies in this country, have been bankrupted. What happens when companies get bankrupted is people lose their jobs, and retirees lose their pension benefits or may perhaps receive only pennies on the dollar for what they believe they were entitled to and which they may have expected to depend upon during their later years in life.

Because of the huge volume of claims of people who are not sick and who are not impaired but who may have been exposed, that means people who have bona fide claims that are clearly traceable to asbestos-related disease may end up undercompensated as well or even left without an adequate remedy.

In fairness, the people who have made claims and who are not presently impaired are kind of in a catch-22 scenario because under our laws, and under the laws of most States, you usually have—for example, in my State of Texas, you have 2 years—if you have been damaged, but you do not yet know the extent of your damage but you have a claim, you are required under our laws, under the statute of limitations, to bring that claim within 2 years or else you will be forever barred.

So in all fairness to those people who have brought claims, while they have been exposed but may not yet have manifestations of the disease, they are in a box with no way out unless we reform the law. And, obviously, people who are very sick and may die of asbestos-related disease, from mesothelioma or some other type of cancer related to asbestos, being left with virtually pennies on the dollar, perhaps recovered from a bankruptcy trust, is not justice either.

So this has been an issue that cries out for reform. Some have said—and I think they are correct—this is not tort reform; this is scandal reform. It is an outrage and an injustice that cries out for a solution. Indeed, the U.S. Supreme Court, on three different occasions, has said this is an issue that is beyond the power of the judiciary to solve and asked Congress to come up with a solution to this problem.

We have worked to try to come up with a solution, but until this week no proposal has come so far as to get to the Senate floor to help address this problem. So I want to give credit where credit is due to Senator SPECTER, the chairman, and the ranking member, Senator LEAHY, and all the members of the Judiciary Committee who tried to keep this process moving so we could have a bill ultimately that we could send to the President, that we could be proud of, and that would address this terrible injustice.

My observation has been that everyone involved in this process has been, in good faith, trying to find a solution to fix this situation. But it is important to note that while Congress has debated this issue and tried to come up with a solution, a number of States, including my home State of Texas—notably, Ohio and a handful of other States—have stepped in and passed what are commonly called medical criteria bills, which, simply stated, allow people who are sick to bring their claims, and people who have been exposed but are not currently sick—have no impairment—to toll the statute of limitations so that if and when they become sick they can bring their claims to court. That seemed to have worked pretty well.

That is not what this bill does. This bill makes a different choice. I want to explain in the few minutes that follow the concerns I have about this particular bill.

Here again, Senator SPECTER has led the way, along with Senator HATCH and Senator LEAHY and others, to bring us to where we are today. This is not easy.

The bill before the Senate today is vastly better and more improved as a result of the work done in the committee and the negotiations and the services of people such as Judge Edward Becker, senior judge on the Third Circuit Court of Appeals, who has acted as a mediator among the stakeholders to come up with a solution.

My fear is that we would replace the current broken litigation system for asbestos injury claims with a complicated, expensive, and ultimately unsustainable entitlement program. Let me explain what those concerns are in particular.

Asbestos liability reform, whether it is a trust fund or medical criteria legislation such as some States have, whatever the type, requires sound medical criteria to filter out fraudulent claims. My conviction is that the criteria employed in S. 852, the current legislation before us, are faulty and would unnecessarily include payments to individuals whose illnesses are not connected to asbestos exposure. There are two examples I can think of. One has to do with cancer claims. This trust fund would purportedly compensate those with cancer claims yet without evidence of asbestos-related disease. Obviously, we know this is not designed to be a cancer trust fund; it is designed to be an asbestos trust fund. We have to have sound medical criteria which would distinguish between cancer and asbestos because if we open up the criteria too broadly, chances are the claims are going to overwhelm the fund and it will be unsustainable and unsuccessful.

My second concern, beyond the medical criteria that are not tight enough to filter out fraudulent or unrelated claims, is that the $140 billion, which is the current amount of the trust fund, will not be adequate to meet the claims. This admittedly is an area in which there is no scientific precision because we are looking out years from now and trying to estimate how many people are going to have claims, what the mix of those claims is going to be. For example, if you have more mesothelioma cases than you think, then it will drain the fund precipitously and make it unsustainable.

Chairman SPECTER and the Judiciary Committee have heard from a number of experts, including the Congressional Budget Office, as well as independent estimates, that conclude—I am sorry to say—that the $140 billion fund will likely be too small to cover the cost and, ultimately, will render the fund insolvent. The CBO estimates that the trust fund would be presented with claims totaling between $100 and $150 billion, but it also projects that total costs would be higher because the fund must also cover administrative expenses and any financing costs.

I heard the Democratic whip, Senator DURBIN, talk about the financing costs associated with the cash-flow requirements of this fund. I share some, but not all, of his concerns in that regard. The CBO makes clear that ''there is a significant likelihood that the fund's revenues would fall short of the amount needed to pay valid claims, debt service, and administrative costs.''

It gets worse, not better. An economic consulting firm by the name of Bates White has estimated that the trust fund will generate far more claims than the tort system and the existing trust and will result in claims perhaps ranging from $300 billion to $695 billion. In other words, the trust fund proposed by this legislation would be $140 billion, but Bates White, in a different analysis, has said they think the claims could reach $695 billion, ultimately forcing the fund into insolvency and sunsetting the fund within 1 to 3 years of its inception.

Even if you agree with the CBO estimate, it is clear that $140 billion will at least, under their estimate, not satisfy

the claims made on the fund in administrative costs and the like because the CBO cost estimate does not include potential dormant claims, possible take-home exposure claims by family members, exceptional medical claims, claims from people living near Libby-like sites—and I will explain what I mean by that in a moment—as well as the impact of allowing CT scans to serve as documentation of pleural abnormalities. In other words, the diagnostic test used to determine impairment from asbestos-related disease is important to screen out people who are impaired from people who are not impaired. All of these additional factors that CBO's cost estimate does not take into account could add billions of dollars of cost to the trust fund.

Even more troubling, the CBO's own analysis provides that 1.2 million claimants will be deemed to have qualified for medical monitoring. In other words, they have been exposed. They are not impaired. Yet under the trust fund, they would be monitored to see if they do become impaired and thus qualify for a claim under the fund.

Unfortunately, the CBO misses the fact that if we apply standard epidemiological statistics, as many as 200,000 of the 1.2 million claimants who qualify for medical monitoring will one day develop cancer of some form, and thus the total cost of the fund could be as much as $90 billion more than the CBO has estimated.

Just a footnote here, another problem. I don't mean to have a laundry list of criticisms of the bill because, as I said, miraculously we have reached this point, but there remains some of the hardest issues we need to find solutions to if we are going to solve this scandal that otherwise goes by the name of the asbestos litigation crisis.

This trust fund—here again, I don't know whether all of our colleagues have had a chance to look at the bill in the kind of detail I am discussing, so that is the reason I wanted to identify these concerns, to see if we can find some solution—also provides $600 million, not to pay claims, not for administrative costs, but for additional screening to find new claimants. In other words, it is basically a marketing program to go out and try to find individuals who might also make a claim to the fund rather than those who have self-identified or have been referred to the fund.

I don't have to tell my colleagues; all they have to do is read the newspaper or current court cases that are pending. For example, in the Southern District of Texas, in front of Judge Janis Jack of Corpus Christi, fraudulent medical screenings have produced an enormous number of bogus cases that have created a huge burden on the current civil justice system. It is beyond me why we would want to go out and shop, in essence, or market to try to find more claimants to the fund over and above the ones CBO or Bates White or other educated guesses estimate will be made against the fund. That is a problem, too.

My point is that with regard to the number of claims and the demands made upon the fund, one of the concerns I have is that if the trust fund sunsets in 1 to 3 years the way Bates White says it might do, or 5 years or 10 years, it forces reversion; that is, claims go back to the same broken tort system that brings us here today. So what might happen is that companies would have to pay into the fund, but the fund would be overwhelmed and thus leave people without a remedy under the fund. Then it would revert to the same broken tort system, with all of the scandal associated with it, with all of the injustice associated with the status quo.

It is also worth noting—and this ought to caution us—that previous attempts to establish national trust funds largely have failed because total costs have exceeded those originally predicted. I am thinking particularly about the General Accounting Office report on black lung and similar funds.

We know there have been many bankruptcies associated with the current asbestos litigation system. Indeed, there is currently about $7.5 billion of bankruptcy trust funds that would be swept into this bill by the Federal Government to help make the $140 billion total proceeds available under the fund. These are existing bankruptcy trust funds which are currently paying claimants, people who were exposed to asbestos fibers and who are sick. But what this fund does—this is part of the problem—in an effort to get up to the $140 billion, it basically is a Federal confiscation of existing bankruptcy trust funds to the order of $7.5 billion. Noted constitutional lawyers, whose names are very familiar to the Members of the Senate, have come to me, as I know they have others on the committee, and said: How can it be that the Federal Government can take $7.5 billion in existing funds that are currently paying claims to sick asbestos victims and scoop it into this $140 billion fund? So at minimum, we would have to concede there will be litigation, and likely successful litigation, challenging the constitutionality of this taking by the Federal Government.

I mentioned earlier that Libby-like issue. Let me explain the challenge we have. In Libby, MT, a number of residents were apparently exposed to asbestos fibers generated from a W. R. Grace plant located in that city. What the Senators from Montana have done in this bill—and I congratulate them for their advocacy on behalf of their constituents—is establish an automatic qualification and a floor of $400,000 for any individual who qualifies living within 20 miles of that town. Why is that exceptional? Most of the claimants under this fund have to be those exposed in the course and scope of their employment. The Libby exception is not an occupational exposure but one because you happen to be a resident of that town and establishes an automatic qualification of a $400,000 floor to anyone who lives within 20 miles.

Whatever the merits of that special treatment for Libby, the problem we have is that there are as many as 28 other sites in the country, including my State of Texas, that may well deserve to be eligible for the same or similar special treatment. In other words, if we say people who are exposed not occupationally but environmentally because of the release of asbestos fibers due to an asbestos company operating in their State, if we are going to say Libby, MT, residents are entitled to that, I don't know how we cannot, in fairness, say that other similarly situated persons are not entitled to the same benefit.

The challenge, though, the problem that presents is it threatens to render the fund insolvent because of the volume of claims that will be made under this provision if expanded to include other individuals in these 28 other sites. I don't know how this fund can remain solvent unless the Libby, MT, provision is removed.

The challenge the chairman has had is, every time he has someone ask for a change in the bill, he risks losing someone else who is on the bill and vice versa. So I know he has tried his best to try to balance this wobbly entity known as the asbestos trust fund. That creates an anomaly and potentially an unfairness, one which would render the trust fund asunder.

The next issue that I have concerns about is this. There is no question that some very large companies in this country that have been exposed to almost endless asbestos litigation are desperate to bring that to a conclusion, to be able to cap off their liability and be able to put that behind them and get back to work providing jobs and contributing to the engine of the American economy. So there are some companies that are desperate to bring this to a conclusion. They are so desperate, they are willing to accept this trust fund on the faith, hope, and wish that it will be made better through this process—the amendment process and in conference.

But there are others who have come forward and demonstrated to me and other Senators that if they are forced to contribute to the trust fund under the current allocation system, it exceeds the profit of their ongoing business. In other words, if forced by the Federal Government to contribute to the trust fund at the current amount created in this allocation scheme, we will, in effect, render a number of companies—no one knows how many—bankrupt, and they will go out of business; and the people they employ, the hard-working Americans they employ, will be out of work. Potentially, the pensions of the retirees will be put in jeopardy.

Now, that is not the intention of the trust fund designers. Believe me, the

work is ongoing to try to find an equitable allocation scheme. But I point out that in trying to effect a cure, we need to make sure the cure isn't worse than the underlying disease for many of the companies and individuals affected.

Let me end my remarks on a couple of other final matters that I think call out for resolution or improvement in this bill. I have told Senator SPECTER that I want to be part of the solution to this problem; I don't want to be an impediment to trying to reach some equitable and fair resolution because this scandal should not continue a minute longer than it has before we come up with some good solution to this terrible problem.

One of the things I am concerned about in this bill, as well, is that the Department of Labor would have to administer this $140 billion fund, however it works. Obviously, there are going to have to be a lot of new people hired to perform those duties, and I believe it will, in fairness, create a new Government bureaucracy, designed to administer this program in the Department of Labor.

I am wary about creating new Government bureaucracies and programs in Washington, DC. I am reminded of the quote of former President Ronald Reagan. He said: The closest thing to eternal life here on Earth is a temporary Government program. This is supposed to be a temporary Government program, but I fear that we will create a new and mammoth bureaucracy within the Department of Labor that will never go away, even after the trust fund has come and gone.

So I look forward, during the course of the debate, to have the opportunity to offer amendments in the form of alternatives, which I think may provide a better solution to the problem that we all agree exists; and failing that, to offer amendments that will, I hope, narrowly address some of the problems presented in the list of issues I have spoken about. We need to make sure our good intentions don't exacerbate the problem. In a way, I sort of look at this as a legislative or congressional Hippocratic oath. Doctors take a Hippocratic oath which says: First, do no harm. You want to make sure the cure doesn't kill the patient. Indeed, I think we need to take a congressional Hippocratic oath that also says: First, do no harm. That ought to be our initial focus, to try to find a solution to this very difficult, complicated problem.

I look forward to working with all of my colleagues in good faith, in an effort to try to find that solution, even in the form of an alternative, if necessary, or, failing that, to come up with some targeted amendments which will address some of the concerns, which will make sure that sick people get paid and people who are not sick don't get paid—to make sure we don't explode the fund by underestimating the demands made upon it—and that we have some fairness when it comes to the allocation of who pays into the fund and that we proceed to a full and final solution to the problem, not a temporary patch that, ultimately, leads then back into the ditch in which we currently find ourselves, known as the asbestos liability crisis.

I see my colleague from Alabama, with whom I proudly serve on the Judiciary Committee, who is steeped in the details and has been part of a Herculean effort to come up with a solution. At this time, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I urge everybody who has questions about this legislation and who did not hear Senator CORNYN's remarks, to get a copy and review it. I think he made some terrific points and has gone to the heart of the issue and explained a lot of what we are doing.

Mr. President, the asbestos system, as it is operating today, is fraught with misconduct and inefficiencies and unfairness. That is an absolute fact. I had been involved, as a private lawyer, many years ago—I guess in the late 1970s—with some of these cases. I wish to say that I was representing plaintiffs who were injured badly as a result of severe asbestos exposure—people inside ships and submarines, cutting asbestos with electric saws where the air was so filled with asbestos dust that they could hardly breathe. They had to leave the submarine to get fresh air, and then go back in to work. They were severely damaged and disabled as a result of that. People like the plaintiffs I represented deserve compensation, there is no doubt about it.

Since sometime in the 1970s, it has become clear that asbestos is a dangerous product and there have been complete changes in how it is handled. Asbestos today is almost treated similar to nuclear waste. We have had laws to prohibit it altogether. If you see somebody removing asbestos from a building, they have masks on, and they do all these things with the greatest of care so they are not exposed. But some exposure for most people does not result in serious illness, or any illness at all. But certain exposure can. So it is a dangerous substance, and it creates a lot of stress and concern that a person might get sick. For those who are currently sick, they deserve compensation. So I say it is rational that some people have filed lawsuits to seek recovery.

But the way these lawsuits are now proceeding through the system makes very little sense. We have 300,000 cases pending today. Plaintiff lawyers get a chunk of those fees or recoveries on a contingent basis. We have criticized them for taking their third or 40 percent, or whatever they get out of a recovery—money that on the docket sheet might look like the plaintiff got $100,000, but the truth is, right off the top comes $30,000 to $40,000 that goes to the attorneys, not to mention the cost of buying depositions and the cost of medical witnesses who testify at trial. That all comes out before the plaintiff gets any money. That is the fact, the way it works. I was never been proud of how this system worked in the asbestos cases I saw when I was involved with it. It has gotten worse today.

Groups of lawyers have made hundreds and hundreds of millions of dollars out of these cases, and they file thousands of suits. They may have 10,000 cases pending. Plaintiffs are grouped, and then are not given individual attention. The lead lawyers probably don't even know the plaintiffs' names, and probably have paralegals interview them. So the system is even worse than when it initially started.

What else has occurred with the system? We are having people who are not sick, as Senator CORNYN noted, recovering money and putting companies into bankruptcy; they may never get sick and probably will not get sick. Those cases are crowding out the cases of people who are sick. As I noted last night, there are widows of mesothelioma victims, a deadly cancer that is clearly tied to asbestos. We have those widows—some are for the bill and some are against the legislation—lobbying us. I say to those widows that the sad thing is that your husband—or it could be a wife—did not get paid before they died. Why can we not create a system in which widows are not out here trying to claim the money, but instead we have a system where money goes straight to the victims, in their days of illness, before they pass away. Isn't that a better system?

Under the national fund, if a person has mesothelioma and can show an exposure to asbestos, they can walk into the Administrator's office—the office that will receive the claims, with a doctor and a medical report that demonstrates that this person has a disease—and if it is not contested—and I don't think many mesothelioma cases would be—they get a check right there for 50 percent of the $1.1 million. And then the other 50 percent has to be paid, as I recall, within 6 months. So they get a million dollars while they are alive to take care of their last days and their families, instead of having these lawsuits out here pending literally for years while people are dying without receiving compensation. That is happening today.

These cases are not going to trial with big verdicts returned. They are clogging up the system. They are suing hundreds of defendants per plaintiff. Some defendants agreed to pay 250, others 150. The lawyer is taking out their fee, and little checks are going off to people who are sick. They never know how much they are going to end up with before it is over. They started out with 300 defendant companies, I believe, that shipped asbestos, that knew asbestos was dangerous and did not put warnings out, allowed people to breathe it and injure themselves, destroy their health. Those 300 companies

were the only ones originally sued. There was a long battle over that.

Then there was the decision that said, Well, if you were one of the companies that shipped asbestos into Engel's Shipyard, and you cannot prove when you shipped it, but if you shipped it in at any time, you are jointly and severally liable with everybody else. So plaintiffs would not have to prove that they breathed this asbestos—whether it was Owens Corning or Johns Manville or anybody else; as long as the company shipped it in there, they were liable, too. So that opened things up and more cases were filed. And then good lawyers figured out a way to add more defendants and find more deep pockets with insurance. And from 300 defendants, we now have 8,400 companies that have been sued.

One of them I remember several years ago came to me and told me this story. He said: We bought a company, a subsidiary, that for 2 years had sold asbestos. They had not sold asbestos for many years before we bought them. We bought them, and now we are as liable as any company in the country. It is like they put an IV system running through the subsidiary right into the heart of another company that never was involved in shipping asbestos without warning the recipients. Yet they are responsible for funding all this.

So this is the way this issue has mushroomed. This is the way it has really happened. That is why we have thousands of companies willing to pay into this fund to get relief.

I mention the cost of the plaintiff lawyers, but think about these companies. They have lawyers, too. They have to pay them, and these are some high-paid lawyers. If you are, indeed, being sued for $100 million a person, and you have a number of claimants out there, you have to hire good lawyers to defend you.

The RAND Corporation study has concluded that 58 percent of the money actually paid out by companies that are defendants did not get to the victims but was eaten up in these kinds of costs, like fees for plaintiff and defense attorneys. It is really tremendous.

It started out with some tough litigation. Dickie Scruggs of Mississippi, a brilliant lawyer, believes these cases were justified. He thought up the cause of action. He battled these cases for years. He overcame all the legal defenses and then found the evidence that was critical to these cases. Then they found evidence that the company that shipped asbestos had known all along this was dangerous and did not tell anybody. They had a smoking-gun memorandum. That is how it started and went forward.

Dickie Scruggs, just a few days ago, appeared with Chairman ARLEN SPECTER and said: We are beyond that now. These cases ought to be settled based on the health of the person. It is not necessary to have them all in courtrooms all over America. It should not cost so much. It is a whole different ball game now.

Now the companies are willing to pay money. They are not defending on the basis of whether they should pay. They only want to pay a fair amount, and they want some certainty in how much they pay. Dickie Scruggs thought that was reasonable. He said people who are not sick are being paid and the costs are too great.

It is interesting that the real architect of these cases who represented the first plaintiffs and who battled those cases forward through all the objections and battles that occurred now says this bill is good for the plaintiffs.

Some say some businesses might pay too much. I don't know that they know how much they are going to pay and how much they should pay. We are not here as Senators to decide whether companies ought to pay more to plaintiffs, or which defendants should pay more, and how much a plaintiff really should get, except to say we need to create a system that fairly allocates the money to the people who deserve to be compensated, and that the money is fairly distributed.

There is a limited amount of money for asbestos cases. Quite a number of companies have gone into bankruptcy, and many more will follow. If they go into bankruptcy, they do not have to pay anymore. You can't get blood from a turnip. You are not going to be able to recover from bankrupt companies. Creating a system that allows the companies a chance to survive, to make money and to create wealth that they can then pay to people who are sick makes sense. That is what this bill tries to do.

Those are achievable goals. The simple matter is, when you have almost 60 percent of the money paid out by these defendant companies going to costs, why in the world can't Congress come up with a plan to take that 60 percent, not let it be eaten up in costs, and send it straight to the victims? We can do that. That is what Senator SPECTER, Senator HATCH, and others have worked for years to accomplish.

Lester Brickman, a professor of law at Yeshiva University in New York, who published an extensive article in the Pepperdine Law Review, had this to say about the asbestos litigation:

> The rules of ethics don't apply to asbestos litigation. Everything you see with asbestos is slimy. It's all under the radar screen and it's infected with self-interest and illegal behavior.

That is a pretty strong statement. I have to tell you, Mr. President, there is too much truth in it. It shouldn't be that way. We can clean it up. It is time for reform, and that is what we are about today: cleaning up what has become a haven for abuse. We need to establish a system where real victims, those truly and currently sick from asbestos exposure, can receive immediate compensation.

I know there are some who have concerns about S. 852. You can count me among those who believe this is not perfect legislation, that there are still some things that have to be done to fix it. However, it does represent a good start, and I think with certain amendments on the Senate floor and in conference it can be made better. If we work together, we can pass a bill that will help solve this current asbestos crisis.

The asbestos litigation affects our economy adversely in a significant way. It has had an undeniable impact on jobs and economic growth. Instead of spending money on increasing production, expanding jobs, research and development, companies have had to spend millions of dollars paying claimants and fending off lawsuits.

The runaway asbestos litigation system has forced many companies into bankruptcy. Seventy-seven companies are in bankruptcy or on the verge of bankruptcy because they have been the target of asbestos-related lawsuits, causing them to lay off 60,000 American workers who have in turn lost $200 million in wages. That is not a small matter.

Companies are not saying we don't have to pay anymore. In fact, they are prepared to pay $140 billion. They are saying: Give us certainty so we can go to our shareholders and plan our future over the next 30 years, and then we can provide more money to actually go to the people who are sick and less to overhead costs, lawsuits, and lawyers. We will be happy; we will take that. That is the opportunity we have today.

We must be sure that the trust fund we created preserves limited resources for the truly sick and does not pay claimants who have no real injury or whose sicknesses were not caused by asbestos. We are talking hundreds of thousands of people who have had some exposure to asbestos. Only those truly sick should be compensated.

For example, thousands of people have developed colorectal cancer. Are the asbestos companies liable for everybody who at one time worked for them or was exposed in even a slight way to an asbestos product? Are they liable for diseases unlikely to be caused by asbestos? If you get skin cancer, are they liable for that, or heart disease or throat cancer? Maybe, maybe not; it depends on what the science says.

Efforts have been made to place into this system liability requirements on defendants to pay damages for diseases that may have had no connection whatsoever to asbestos. That is the way you kill this system. We can't do that. We cannot have this fund, which has a limited amount of money—huge as it is—with these thousands of claimants—to pay people who are not sick because of asbestos—we have to be generous with victims, but we cannot be paying people whose sickness is not related to asbestos.

Again, there is very little evidence, if any, that colorectal cancer would be connected to asbestos.

As I noted, we now have 8,400 companies that are being sued as a part of

this process. Many of these have a limited link, if any at all, to asbestos but are named in the lawsuit because most of the original manufacturers that were sued have gone bankrupt.

In a statement to the New York City Bar Association, U.S. District Judge Jack Weinstein—one of the most famous judges in the country, I would add—had this to say about the impact asbestos litigation was having on certain companies' ability to stay in business:

> If the acceleration of asbestos lawsuits continues unaddressed, it is not impossible that every company with even a remote connection to asbestos may be driven into bankruptcy.

These bankruptcies are not only a threat to jobs and the incomes of American workers, they threaten retirement savings. The average worker at a bankrupt asbestos-related firm with a 401(k) plan suffered $8,300 in pension losses. Of course, in a number of instances, when a person loses his job, he loses his health insurance as well. So this litigation is having an impact on real people.

Judge Weinstein said even a company with a remote connection to asbestos could go bankrupt. One could ask, How is this possible? It is like I said before; this litigation is like an IV system that goes through one person, sucking all the blood out of them, and if they can find another person that has blood in them, they will begin to suck it out of them, too. It is just that simple. Whoever has the money is who they will go to next. Whoever is left standing is the next one this litigation turns on and in an attempt to show they are liable.

We need to bring predictability to this system by creating a national trust fund. If we succeed, I believe the companies with asbestos liability will then be able to start creating jobs rather than eliminating them.

We have a lot of important issues we are going to confront as we hammer out the final language in this legislation. It would be a shame on this Congress if somehow, some way, we cannot pass solid legislation that takes 60 percent of the money that is now going to overhead and lawyer's fees and use that to create better benefits for the plaintiffs and provide certainty to the defendants so they can plan their future without going bankrupt.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Montana.

Mr. BURNS. Mr. President, I don't think we have ever seen anything as complicated as the issue before us. We have a vested interest in this issue in Libby, MT.

I ask unanimous consent to proceed as in morning business for 10 minutes, not thinking I will use all the 10 minutes.

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

(The remarks of Mr. BURNS pertaining to the introduction of S. 2256 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I appreciate the comments of the Senator and his leadership on this important issue. It is certainly one important for our State and all States.

I see the Senator from New Mexico. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Is it appropriate for the Senator from New Mexico to speak as in morning business?

The PRESIDING OFFICER. It is.

Mr. DOMENICI. I yield myself 5 minutes and ask I be permitted to speak as in morning business.

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

LEASEHOLD 181

Mr. DOMENICI. Mr. President, I rise to speak about a matter that is obviously dear to the occupant of the chair because it has to do with leasehold 181, off the coast of Florida, Alabama, Louisiana. The bill, which was introduced yesterday by Senator BINGAMAN, myself, Senator TALENT, and Senator DORGAN, seeks to permit drilling on a portion of section 181 within 1 year. The bill protects a 100-mile buffer from the coastline of the State of Florida. This bill protects a portion of 181 that the U.S. Armed Forces indicated they might someday need to perform on and use for some military purposes.

These two exceptions and protections are explicit. That is, how far from the coast of Florida and the military protection area. But more than this, this bill seeks to protect the American people from the rising cost of heating their homes and filling up their cars, and, yes, soon, cooling their homes.

Today, the price of oil is about $65 a barrel, and the price of natural gas, while lower than a few months ago, is $8.24 for a million Btu's. To put that in perspective, if you go back only 6 years, the United States in its totality was spending $50 billion on natural gas. Today, we are spending $200 billion, and rising. That means many American businesses have already gone broke because they cannot pay for the price of natural gas. It means the petrochemical industry in America is hanging on, can't grow, and certainly, where they were going to build here, they are building elsewhere. The fertilizer industry is almost bankrupt, and the manufacturing industry is suffering from many things, but they will tell you the highest priority is to get natural gas prices under control.

While we are protecting Florida, we are charged with the responsibility of doing what we can to help the American consumer.

This year, we were very lucky, although Katrina was unlucky. The price of natural gas did not stay high, as high as it was going, because we had a warm winter. It still is at an enormously high price, and I just told you about that. Many Americans had their budgets and had disposable income. They woke up when they got their natural gas bill and half of their disposable income was gone. Where? To their gas bill, because many of them went up from $100 to $200, $200 to $400.

I must say to Senators, we have been told—the Energy Committee, Senator BINGAMAN and I have been told—that the highest priority for natural gas production in the United States—not second, not third, not fourth; the highest—is Leasehold 181. It is ready. It is known. They have drilled all around it with no damage. We had Katrina and no spills. It is 100 miles from Florida, and it will produce a minimum approximating 6 trillion cubic feet. What is that? It is one-fourth of the entire natural gas use of the United States per year; 10 million houses cooled and heated for 6 years. This piece of coast, offshore land.

It seems to me that every year we come into session, we hope we can prove to the American people that we can do something. We say: Can't we prove that we can move? We are going to move this bill out of committee within 3 weeks. If the leader permits, we will bring it to the floor. We are going to tell the Senate: You can let us help the American people or you can play games; you can take 3 weeks on this bill. It doesn't require but 2 or 3 days of debate. If somebody wants to filibuster, that is learned quickly. Let us decide whether we want to kill the bill or not. At least everybody is going to know they are not all so tough, that we have to tell the American people we just can't do it, too complicated, too many committees, too much argument. Not so.

The highest supply production issue for the United States and our people today is this little bill. If we do it, we take one high-priority item off the table and we say: Well, we can do something for a change.

It is bipartisan. My good friend from my State and I have the luxury of being the only committee for many years which has two Senators from the same State being the lead Republican and the lead Democrat. We are going to bring this down here together. It was introduced together. We just had a press conference. We say the same things. We both speak differently, obviously, but we are going to do it because it brings immediate relief to millions.

That is probably 6 minutes instead of the 5 I reserved. If so, I ask consent that it be all right with the Senate.

I yield the floor.

Mr. SESSIONS. Mr. President, the Senator from New Mexico should be congratulated for his leadership on this issue. He has understood it from the beginning. He warned us about the dangers of surging natural gas prices for years and years. As a matter of fact, I can remember a host of committee hearings in which Alan Greenspan

warned us that we need to do something about natural gas.

Isn't it true that we have now not only homes being heated and businesses being heated and we are using natural gas for fertilizer and other things, but electricity is using more natural gas than ever, to create our electricity? Is that the Senator's understanding?

Mr. DOMENICI. That is correct. Not only is that correct, every single new powerplant—98 percent of powerplants built in the United States in the last 15 years—is natural gas.

Mr. SESSIONS. Natural gas wells. I live in Mobile, AL, on the gulf coast. We have a lot of production right around where we live. We have never had any serious spills, to my knowledge, that amounted to real damage to the environment since the beginning. They are more safe and careful today than they have ever been, and the technology is better than it has ever been.

We are having a debate now about liquefied natural gas and building terminals where we send our money off to some foreign country that may be hostile to us, and they freeze, liquefy this natural gas at great expense, transfer it all the way over the ocean, and then they have to heat it up, which causes environmental problems, and then put it in our pipelines, and instead of the money staying in our country, it goes around the world.

When we have these huge reserves right off our own shore, doesn't it make sense to the Senator that we ought to go forward and produce? I see the smile on the Senator's lips. We have been through this before. But it is really pretty basic.

I hope the American people are beginning to understand that we can't deny ourselves. Do you know where they get the oil and gas from the Persian Gulf? They get it out in the water. If it is an environmental issue, it is as bad to get it out of the Persian Gulf, I suppose, as out of the Gulf of Mexico, and certainly economically it makes more sense, I believe.

Mr. DOMENICI. Mr. President, I guess this shouldn't get me started because I should not be here, I have something else to do, but I guess when you are in the Senate, you ought to stay in the Senate.

But on liquefied natural gas—I might as well make sure the Senate hears this—we can't get along without liquefied natural gas for the next 25 years, and when you add up demands, unless something really breaks—maybe if we had all of the Alaskan plants for natural gas down here, but it takes long enough to—I think the statement is we must have energy. But we were counting on a lot of it. It is happening, however. It is being bought in place by foreign countries.

Let me tell you that what means. Qatar, a country with huge supplies of natural gas, may very well decide that they could sell the whole natural gas field to China. There won't be any ships on the sea on which to bid. That could happen.

Right now, natural gas in the form of liquefied natural gas is not coming to America in large quantities. We need a lot more ports to get ready. But they are paying more for it to go to Spain than what we pay to bring it here because there is such a demand.

While we sit on the natural gas expecting LNG, the LNG is being bid up and going elsewhere, and we sit here wondering whether we should pass this bill to use our own, which is 100 miles offshore.

It isn't all so clear where we are going to get this natural gas, this beautiful product. It is so good that we burn it right in our kitchens. That ought to show you it is pretty safe. It is so good that we said no nuclear, no coal; let's just use it to make electricity. We decided to do that. That is when we got into this problem. I am not so sure we should have done it differently, but that is what happened.

Mr. BURNS. Mr. President, I ask the Senator from New Mexico to add me as a cosponsor of the bill.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator BURNS be made a cosponsor.

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

Mr. DOMENICI. Mr. President, that bill was introduced yesterday. I don't have the number, but the clerk has it. Senator SESSIONS is not on that bill.

Mr. SESSIONS. Mr. President, I would be pleased to be part of it and sign onto it. I thank the Senator from New Mexico for his leadership in constantly pressing to make sure this Nation does not make a mistake. We have made a lot of them in our energy policy. We have been blessed to have the Senator there.

We are now talking in Mobile about a new LNG terminal. Some people are concerned about it. We need to be very careful about it. But it costs so much more to import liquefied natural gas and then to regasify it and ship it around our Nation than to produce it off our own shore. And when we produce it off our own shore, the money stays in the United States; it doesn't go to these foreign countries.

I believe, from an economic point of view, we have huge reserves out there. I will share, maybe, my thoughts a little later. Maybe Florida was legitimately nervous in the early days about these wells and whether they would damage their beaches. But this far offshore, production has proven now year after year after year to be safe. It is not their waters. These deep waters are not Florida waters; they are U.S. waters.

We need to begin in a careful way to examine how we deal with this and see if we can't increase our production in the gulf. Alabama has found it to be safe. It is somewhat beneficial to our Treasury.

Mr. DOMENICI. Mr. President, I wish to make two more observations while my friend from Alabama is still here, and one in a general way.

I say to Senator SESSIONS that we spoke a little bit about the Energy Policy Act which we passed last August. It is a phenomenal bill. People stopped paying attention to it. But in the proposals the President put forth, all but one of those were in the Energy bill. They are waiting to be funded. He proposed them, so we are going to fund them. But from that day that it was passed until today—on the day it was passed, there were zero applications, permit applications for nuclear powerplants. Zero. Today, there are 18. It is not in China that they want to build 20, or something like that; it is in the U.S.A. because of that bill. I am not saying all of them are going to be built, I am not saying they have turned a shovel, but clearly the strong indication from consortia and individual companies is that because of what we did in that bill, it is time to add to the diversity.

What does that mean? That means had we had those, we wouldn't have a natural gas shortage today because little of the gas would have gone into powerplants and would have been available for what we are arguing about today. We would have been able to tell Florida, although we don't think it is the case, You will never have to drill there, but that didn't happen. There are many other things that are going to happen because of that bill, but we didn't do this one, the offshore, because we were told there would be a filibuster on the bill, the big bill, and we had to make a decision. It was open and made right here. Everybody heard it. So now we have to take our one shot at a time. This is one.

My last observation would be just in advance—I know the floor is a valuable tool for every Senator. They can offer amendments, and they can delay things. We are going to work very hard to make this one, single, big consumer present all by itself. Please, if you have big ideas, we will bring another energy bill, and put it on that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. As I listened to the statement of my good friend from Texas, I thought I would clear up a few things as the debate on this asbestos bill moves forward. I know that Members have some very real concerns with the size of this trust fund and who may make claim to it. I think the Libby language that we have in the bill now is fair, and I will make the case for that because we think it is perceived to be inequitable in its treatment.

The only inequity for Libby residents will occur if their recovery in this bill is removed. The medical criteria as it currently stands are actually insufficient for Libby victims. So members of this body, in particular, my good friend from Texas, is mistaken to conclude that they confer such enormous benefits on Libby's residents. That is not

really the case as I illustrated yesterday.

The bill as it is currently drafted will exclude 40 percent of the folks that live in Libby, MT. Now, to remedy that problem, I filed an amendment to strengthen the Libby provisions rather than remove them entirely. I felt I had to do that.

While I understand that my colleagues will take issue with specific medical criterion in Libby, I fail to see how the exposure in Libby is equal to the suffering in any other cities. The exposure to asbestos was limited in some of those cities into confined areas. If any community exposures existed, they were the result of a factory worker exposing his family through his clothing.

As I explained yesterday the circumstances in Libby are much worse. The main thing in Libby, MT, is that the community was exposed. The entire community was exposed by the wind from an open pit mine as opposed to communities that had enclosed facilities that processed the ore from the Libby mines. So we are talking about an entire valley, an entire city that was exposed by the wind from an open-pit mine. Not only did family members of the mine workers fall ill, but the entire town was contaminated.

Yesterday I showed a picture of a baseball field of little-guy baseball, and it was contaminated. In fact, the amounts of asbestos meant the asbestos in the playing field were as high as 15 percent in some areas. So it has been reported that concentrations as low as .001 percent in asbestos contamination generates dangerous exposures. So the children that were playing on that baseball field in 1978 are now experiencing health problems, and we believe they were caused by that exposure.

This is a unique incident. It is a unique area. And we are not talking about a structure. And we are not talking about a factory. We are talking about an entire community that was exposed to asbestos.

I think I read yesterday where this Memorial Day they will put up over 200 crosses for people who died from asbestos. They have added 20. Twenty crosses due to asbestos diseases in the last year. So I think we have a unique situation.

And also, the disease is a little bit different, we are finding now from talking to medical people who understand, and pulmonary doctors who under stand this asbestos and the related diseases around it.

So I would ask my colleagues to study this very closely.

I thank my friend from Alabama, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I see the other Senator from Montana in the Chamber. I thank both of them for their strong advocacy on this question. Senator BURNS is, again, offering an amendment, I believe.

To carry this further, I will say this to our colleagues. Now is a good time for debate. If you have amendments, let's bring them on and discuss them. Senator SPECTER and Senator LEAHY, the chairman and ranking member of the Judiciary Committee, with bipartisanship, are committed to this legislation and trying to make it work. We are delighted to hear the debate. We cannot accept everything. But your ideas are being listened to. Some will be voted on. We will have a better bill when we complete the process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, first of all, I thank my colleague, Senator BURNS, for helping out in our effort to help the people of Libby, MT. In all the years I have been in public service, I am hard pressed to think of any situation that has bothered me more, that has urged me more to solve, or to help people out, than the people of Libby, MT. They have been put out by so much. It is a community that has faced hardship in so many ways up in northwestern Montana. The sawmills fold up and they go under. The economy there has been extremely difficult to sustain. And on top of that, we have this problem of asbestos, a particularly vicious form of asbestos in Libby, MT, called tremolite.

I would like to help remind my colleagues what goes on in Libby and introduce Libby to those who have not paid much attention to Libby.

Libby is a very special, very small community up in a remote part of Montana, up in northwest Montana. In a valley deep in the Rocky Mountains, Libby resides on the Kootenai River.

And this is not an exaggeration: The people of Libby are struggling. They are struggling mightily day in and day out. They have been uniquely impacted by asbestos exposure. I do not know of any community in the United States that comes close to the level of suffering that the people of Libby have suffered on account of asbestos. Once you visit Libby, you realize very quickly this is a situation which is very different from other asbestos problems in other parts of our country. There is no comparison.

First, just a bit about Libby. It is surrounded by staggering natural beauty. It is up near the Cabinet Mountains, next to a divide, the Kootenai River. It is a very special part of the world. The wonder of the mountains and the beauty of the river, however, contrast dramatically to Libby's other major distinction; that is, a community suffering from the worst concentration of asbestos poisoning in America.

Many of the people of Libby do not have the luxury now, as a consequence of asbestos, of enjoying all of this natural beauty and luxury I mentioned. They cannot hike the Cabinets. They cannot go up in the mountains to hunt elk. They can no longer scale down the river bank of the Kootenai to enjoy their favorite fishing holes.

Why, might you ask, can't people do that anymore? I will tell you a very basic reason. They cannot breathe. They have such difficulty and struggle so much with the very basic human activity of breathing—breathing in, breathing out. They are just out of breath. They just cannot breathe.

So you are asking, why can't the people of Libby breathe? Why are they struggling so much to breathe? The simple answer is W.R. Grace. Until 1990, a company called W.R. Grace used to mine vermiculite from a mountain called Zonolite Mountain, just on the outskirts of there. Until the mid-1970s, W.R. Grace processed that vermiculite mined in Libby in a nearby mill.

I remember years ago when I was meeting people up in Libby, going up to that mill, I was just stunned with how dusty it was, the conditions up there. I assumed it was just a dusty mill, not poisoning the air. If it were, people would know about it. But I was wrong. The people of Libby made that same assumption. The workers made the same assumption, and they were wrong. In fact, the mill was so dusty that workers often could not see their hands when they were sweeping with their brooms.

It is hard for me to find the words to describe the situation. I can remember guys coming off the hill, coming out of the mine, getting off the bus, and it was just a dust bag, just caked with dust. I never had seen anything like it. Mill workers swept dust outside and tried to do the best they could. They dumped it. Once they swept the mill, the dust and stuff outside, what did they do with it? They just dumped it down the mountain. And the mill's ventilation stack spewed dust up into the air. The ventilation stack released 5,000 pounds of asbestos every day—5,000 pounds of asbestos every day. When the wind blew from the east, a deadly white dust would cover the town. It would just cover it with dust.

For decades, 24 hours a day, the dust fell all over Libby. It fell on Libby's gardens, fell on the homes. Dust fell on Libby's high school track, Libby's playgrounds. Everywhere there was this dust from the mine, this asbestos dust.

Now, some of the vermiculite went downtown to a plant, right next to the baseball diamond. I know right where that baseball diamond is: right next to the Kootenai River. Vermiculite is a shiny material. You heat it and it pops like popcorn. People used to pop vermiculite to make building insulation. They called that popped vermiculite Zonolite.

The plant popped the vermiculite into Zonolite, and batches of Zonolite spilled all over the plant, all around the plant.

What happened? Well, kids played in this stuff. Kids played in the Zonolite. Workers at the mine brought back bags of Zonolite to pour in their attics as insulation. They put Zonolite in their

walls for insulation. They put Zonolite in their gardens. I guess it helped make things grow—they thought. They put vermiculite in road beds. Families used vermiculite and ore to build their driveways. They used to use this stuff.

But the layers of rock where people found the vermiculite contained harmful asbestos. Nobody knew it at the time. The people did not. The people did not. The company did. And the vermiculite outside Libby is laced with a particularly dangerous type of asbestos. It is called tremolite. This is not ordinary asbestos, which is bad enough. This is a very pernicious, special, terrible kind of asbestos called tremolite. The usual, more common asbestos is chrysotile asbestos. This is not chrysotile asbestos. This is tremolite.

Why is tremolite so terrible? Why is it even worse? Well, tremolite has long fibers that are barbed like fishhooks. These fibers work their way into soft lung tissue. These fibers do not come out; like fishhooks, they are stuck.

Now, the Zonolite Mountain now sits peacefully with the damage that has already been done. People in Libby are sick—very sick. They suffer from asbestos-related disease at a rate 40 to 60 times the national average—40 to 60 times the national average. People from Libby suffer from asbestos cancer. They suffer from mesothelioma, which is a form of asbestos-related cancer. And they suffer that mesothelioma at a rate 100 times the national average.

This sickness does not just affect the people who worked in the mill. W.R. Grace infected the whole town.

An article in the journal Environmental Health Perspectives concludes that based on the unique nature of vermiculite contamination in Libby, along with elevated asbestos concentrations in the air, it would be difficult to find Libby residents unexposed. They are all exposed.

Every day men from the valley went to the mountain to work in the mine and the mill. Every day, these men came home covered with the fine, deadly white powder. The powder got in their clothes. It got in their curtains. It covered their floors.

I talked to one miner. His name was Les Skramstad. And this is when I really got radicalized about this.

In talking to Les several years ago in his living room, to hear Les, a young fellow who is very ill now, he has a hard time breathing. He would come off the mine. He would go home to see his wife. His wife would embrace him. His children would jump up into his lap. They all have asbestos-related disease now, not just Les but Les's wife, his children. And the prognosis is not good.

The fine fibers of tremolite asbestos are very easy to inhale. Miners inhaled fibers in the mine. Workers inhaled the fibers in the mill. Wives inhaled the fibers when they washed their husband's clothes, and children inhaled the fibers when they played on the carpet or hugged their fathers.

The fibers are deadly. They cause respiratory disease. Those fibers caused a serious lung disease called asbestosis. Those fibers caused a serious form of cancer, mesothelioma, which infects the chest and abdominal cavities. Asbestos in Libby is tremolite asbestos. Tremolite asbestos is far different from the other chrysotile asbestos, which is the predominant cause of asbestos-related diseases. Let me explain the difference. Tremolite diseases are highly progressive and also highly deceptive. People with initial markers of chrysotile asbestos, the usual asbestos disease, have a 25-percent chance of progressive illness. Patients with initial markers of tremolite asbestos are more than 75 percent likely to develop more destructive diseases.

Because of the W.R. Grace mine and mill, hundreds of people in Libby died from asbestos-related diseases already. Hundreds of current and former area residents are now ill. Hundreds of people live in discomfort, and hundreds of people live in pain. Seventy percent of those affected with tremolite asbestos disease never worked in the mine.

Let me introduce you to some people from Libby. Arthur Bundrock worked in the mine for 19 years. He suffered from asbestosis for 21 years and his suffering was made worse from the knowledge that he carried the asbestos dust back home to his family. Arthur's son applied for work at W.R. Grace, had to get an x ray before they would hire him. The x ray showed he already had asbestosis. Grace never told him the results of the screening. The company never told him. Arthur's work in the mine affected his whole family. When Arthur died in 1998, six out of seven members of his family had asbestosis.

Then there is Toni Riley. Toni Riley never worked in the mine. But similar to many kids in Libby, she played in piles of vermiculite ore as a child. These piles were all over the town. Similar to playing in a sandbox, kids played in piles of asbestos. Toni Riley was a member of the local research and rescue team and an emergency medical technician with the Libby volunteer ambulance. She was also a reserve deputy at the sheriff's office for 5 years. In 1996, she was diagnosed with mesothelioma. Toni died on December 4, 1998. Toni is 1 of the more than 200 known cases where people from Libby have died as a result of asbestos-related disease.

W.R. Grace may have closed its doors, but the people of Libby will be plagued with asbestos for years to come. The company has closed its doors, but the people will be plagued probably forever.

These diseases can take 40 years to appear. Hundreds more will fall victim to these diseases in the future. The people of Libby must watch their neighbors struggle to tend their gardens, to walk into the cafe. They must watch their neighbors struggle to provide a future for their children, and they must wonder if they, too, will fall ill. Remember, these diseases can take up to 40 years to appear.

In 1999, the Environmental Protection Agency started to investigate. The EPA found tremolite contamination in the air around the nursery. They found it near the ballfields. They found it inside homes. Last year, we learned that trees near the Grace mine contained asbestos. Recently, a University of Montana study revealed another example of the horrific level of contamination in Libby. In the new study, asbestos fibers were found in the bark of trees growing near Libby Middle School.

Libby is not a rich city. In 2000, the median family income of Libby was just under $30,000. That compares with just over $40,000 in the whole State of Montana and just over $50,000 in all of America. The median family income is much below the national average. Libby is working to overcome years of asbestos exposure from W.R. Grace. They have been through enough. They did not ask for this lot. That is why I have fought to make sure that asbestos bills working through the Senate address the needs of the people of Libby, MT. The good people of Libby need our help. They are dying up there. The town has risen mightily to the challenge it has faced, but they need our help. They deserve our help.

I made a commitment to the people of Libby, and I intend to work together with my colleagues to see that commitment honored. Asbestos disease has devastated many communities across the country, but tremolite asbestos hit Libby hardest of all. Libby is unique. The type of asbestos at Libby is unique. The duration of exposure at Libby is unique. The manner in which asbestos disease manifests itself in Libby is unique, and the community-wide exposure in Libby was unique. That is why the tailored solution that the committee has proposed makes sense.

I urge my colleagues to support the Libby provisions in the asbestos bill and help us right this terrible wrong. Help these hundreds of suffering people to get health care and help save the life of this town.

There are not many things that I have experienced in the last, roughly, 30 years I have been in public service that equal the tragedy which is Libby, a tragedy caused by W.R. Grace and asbestos, a particularly pernicious form of asbestos in Libby, tremolite asbestos, which is so harmful to the community. Libby is struggling mightily. Libby wants to put this chapter behind them. The people of Libby are doing all they can. They don't complain. It is a wonderful feature of westerners, generally, and especially of the people of Libby, MT. They are not crybabies. They don't whine. But they want justice. They deserve justice.

We must take advantage of this unique opportunity we have in the legislation before us to make sure that the people of Libby get their fair due.

The provisions in this bill help assure that compensation is given to the people of Libby who are affected by asbestos so they can pay the medical bills, so they can somehow, some way, get back to normal lives, knowing all along that for many of them, for the indefinite future, they are still going to have a terrible infliction and difficulty breathing in and breathing out.

I implore my colleagues, please listen to the people of Libby. Please, in your heart, help the people of Libby, MT. That is the very least they deserve.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, under arrangements worked out between the leaders of the two parties, we will be open for amendments tomorrow. Senator LEAHY and I wrote to all Senators back on January 24, urging Senators to let us know what amendments they intended to offer so that we could schedule the business of the Senate. I renew that request at this time. We have a bill where, as previously announced, we are open for modification. During the some 36 negotiating sessions which Judge Becker and I have presided over during the course of the past 2½ years, we have made many modifications. We accepted many amendments in committee. Some were voted upon and defeated. But we are interested in making this the best bill we can.

We have carried the offer beyond amendments. If any companies are having special problems, we are interested to hear of the problems to see if we can find a way to accommodate them. We are dealing here with an enormously complex subject and we have limited time. In order to manage the bills, in order to conserve the time of the Senate, it is our request that Members bring forward to us amendments they want to have offered, which they intend to offer, with suggestions for time limits so we can proceed to manage the bill.

There has been extensive debate on the bill. The Washington Post reported today about the success of moving forward with the motion to proceed and, as I say, tomorrow we will be proceeding with the amendment process. The Post noted, as they put it, referring to me, that I had ''a bit of an obsession with the passage of this bill.'' I think that is an erroneous statement. I don't have a bit of an obsession; I have a total obsession with the passage of this bill. I say that because I have been working on this bill for the entire time I have been in the Senate.

Shortly after I was elected in 1980, Senator Gary Hart came to me and was with a constituent, Johns Manville, and said there is a terrible asbestos problem. I have been a party to efforts over the course of the past two and one-half decades-plus to try to find an answer. It has been extremely elusive. Finally, Senator HATCH came up with the idea of a trust fund. When we passed the bill out of committee during the 108th Congress in July 2003, I then enlisted the aid of a senior Federal judge, Edward Becker, who had been chief judge of the Third Circuit, and who is very knowledgeable on asbestos matters. Judge Becker had written the opinion which was upheld by the Supreme Court of the United States, which said you could not use class actions on asbestos. That might have been an answer on consolidation class action status to handle the issue in the courts. The Supreme Court of the United States said that mode of procedure was not suitable for asbestos. Then the Supreme Court of the United States issued a challenge to the Congress to provide a legislative solution. That challenge has been issued by the Supreme Court on some four occasions, telling us that it was our business to come up with a solution. Judge Becker agreed to mediate and, as I say, we have had some 36 meetings in my conference room, attended by anywhere from 20 to 60 people. Stakeholders were principally involved, and that is defined as labor, AFL–CIO, which was represented ably at those meetings; we invited the trial lawyers and they attended the meetings, even though we knew there would be opposition from them because, realistically, it impacted their livelihoods; we had the manufacturers and we had the insurers.

Last week, we saw come forward a very prominent plaintiffs' lawyer in the asbestos field, Dickie Scruggs, Esq., of Mississippi. He is also Senator LOTT's brother-in-law. Senator LOTT put the two of us in touch and we talked about the matter. He was one of the originators, if not the originator, of the litigation involving asbestos. From what he has seen over the years, he came to the conclusion that it was not a good idea to keep these asbestos cases in the courts; that a better idea was to have the trust fund, and he came in and made public statements. I believe he may even be on a commercial. I don't have a chance to watch too much television, except for C–SPAN. But he pointed out that the victims are simply not being compensated. When we have had a lot of talk on the Senate floor about special interests, this is one interest group which is not a special interest; it is a general interest, and that general interest is the large group of victims who are suffering from deadly diseases—mesothelioma and lung cancer and other ailments from exposure to asbestos—who are not being compensated. It is their interest we are seeking to take care of.

When their companies go bankrupt, they don't have anybody to sue and that is why the trust fund has been created—a trust fund where the figure was established jointly by Senator FRIST on behalf of the Republicans and then-Senator Daschle on behalf of the Democrats at $140 billion. !1The interested parties, the manufacturers and insurers, agreed to put up that money. The fund had started out with substantially less, but it was calculated that that would be an amount realistically calculated to take care of the problem. It is very hard when making projections to know with certainty what is going to happen. The Congressional Budget Office has made an exhaustive study and concluded it would cost in the range of $120 billion to $135 billion. They outlined one contingency which might be a little higher than $150 billion, but they said it was impossible to make the calculation, as they put it, ''with great certainty.'' !1Well, you cannot function in all cases with great certainty, but these projections are realistically calculated to do the job. If we are wrong, and when you talk about thousands of cases projected over decades, if our projections are not accurate, the claimants have the right to go back to court so that they are no worse off than they would be at the present time. They are limited to either Federal or State courts—but they cannot judge shop for special counties anywhere in the country, which is the practice today. Madison County, IL, was singled out and some counties in some other States. They have to go to the State courts where they live or where they worked. So we have a realistic plan to take care of this issue. !1But if we can have a better bill, we are very anxious to have that better bill. That is why we have invited our colleagues to come forward with any amendments they may have. The three Senators from the other side of the aisle who have spoken in opposition to the bill have conceded the very grave, difficult problem. They say this bill is not right, but they don't deny the transparency of how we have worked, and they don't deny the evidence that has gone into it or the comprehensive analysis. I have said I believe this is the most complicated piece of legislation that has ever confronted a legislative body. That is a very grandiose, sweeping statement, but I believe it to be true. I repeat that I challenge anybody who knows of some legislative activity that is more complicated than the one at hand. There have been extensive hearings, extensive negotiations, extensive analyses, extensive amendments, and we are still open for the amendment process. !1It is my hope we will do what the Democratic leader said yesterday, and that is go to the amendments and take them up, and that we will not face additional procedural challenges. If we do, we are prepared. There has been some talk in the cloakrooms and hallways about challenging them on a budget point of order, and we are prepared for that. The underlying merits

are that there is no realistic budget problem, because there is no Federal money involved here. We have made the bill airtight that the Federal Government cannot be involved. It is all private contributions. If the plan does not succeed, we have alternative ways of dealing with the issue, but not to come back to the Federal Government. There are three possibilities of points of order. One is you cannot have legislation before there is a budget resolution. But on that situation, consulting with the experts on procedure, we can have the date of October 1 in the next fiscal year to solve that. !1There is an issue about an allocation that was made at the discretion of the chairman of the Budget Committee, and we believe that will be accomplished with that allocation being released by the chairman. All of this is a bit presumptive, but I think that is how it will work out.

There is a third concern, which is that there not be more than $5 billion spent in any 10-year period between 1960 and about 40 years beyond that. So we will see what eventuates. We are working to cap expenditures so that we stay within that $5 billion limit.

Mr. President, I ask unanimous consent that three additional letters from the International Association of Heat and Frost Insulators and Asbestos Workers, the United Automobile Workers, and the International Union of Painters and Allied Trades in support of S. 852, the Fairness in Asbestos Injury Resolution Act of 2005, be printed in the RECORD.

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

INTERNATIONAL ASSOCIATION OF HEAT & FROST INSULATORS & ASBESTOS WORKERS,
Lanham, MD, February 6, 2006.

DEAR SENATOR, we strongly support the courageous and bi-partisan work of Senator Arlen Specter (R.) and Senator Patrick Leahy (D.), co-sponsors of the Fairness in Asbestos Injury Resolution (FAIR) Act of 2005 (S. 852) which comes to the Senate Floor this week.

We support the Bill as presently drafted. We ask that you support the Bill as well.

Our U.S. Supreme Court has held that federal legislation is necessary to solve the asbestos compensation crisis—and we agree. Currently, only 42 cents of every dollar spent in this broken system goes to victims, their widows and kids.

I recently wrote our membership across the country to advise them of our support for this Bill, and to urge them to contact you in support of S. 852. I advised our membership that this Bill is not perfect. But nothing ever is when problems of this magnitude are addressed.

We believe S. 852 offers the best hope of providing fair and equitable compensation on a national basis for those who have suffered, or will suffer from the devastating effects of asbestos exposure in decades to come.

We urge you to reject amendments of special interest groups on either side of the issue that would change the core provisions of the Bill.

Such amendments can only be hostile to the interests of fundamental fairness and equity. We have promised our membership that we would fight vigorously to oppose any change that would make this Bill unfair or inequitable.

Very truly yours,

JAMES A. GROGAN
General President.

INTERNATIONAL ASSOCIATION OF HEAT AND FROST INSULATORS & ASBESTOS WORKERS,
Lanham, MD, January 31, 2006.

To: Members of the International Association Heat and Frost Insulators and Asbestos Workers.

DEAR BROTHERS AND SISTERS: The Fairness in Asbestos Injury Resolution Act of 2005 (Asbestos Bill S. 852) is scheduled to be brought to the floor of the United States Senate in early February of this year.

Bi-Partisan Co-Sponsors of S. 852: Senator Arlen Specter (R.) and Senator Patrick Leahy (D.): Nobody has worked harder than Senate Judiciary Chairman Arlen Specter (R.) of Pennsylvania and Ranking Minority Member Senator Patrick Leahy (D.) of Vermont in trying to get a fair and equitable and bi-partisan Bill that helps those who have suffered the devastating effects of exposure to asbestos. These two courageous Senators have worked tirelessly during the last three years—to craft changes to the Bill after listening to reasonable suggestions from Labor, Business and Insurance negotiators.

Special interest groups on both sides of the issue have tried to de-rail their good work. But Senators Specter and Leahy have stood tall in search of an equitable legislative solution.

This Office Has Actively Participated in the Negotiating Process of this Bill Over the Last Three Years: Your International has been actively involved in extended and complicated negotiations to bring about this legislative is necessary to solve the asbestos compensation crisis—and we agree.

Let us begin by stating that this Bill is not perfect. Nothing ever is. For the last 10–20 years the current asbestos compensation system has produced inequitable and unfair results. Tens of Billions of dollars have gone to people who are not sick. This is wrong. The current system is broken, notwithstanding what special interest groups may claim. We believe this Bill offers the best hope of providing equitable compensation while expediting the compensation and review process on a national basis, regardless of where you live, or who your attorney might be.

Over 300,000 Pending or Current Asbestos Claims Cry out for a Fair Legislative Solution from Congress: Currently it is estimated that there are more than 300,000 pending asbestos-related claims. In a recent study by RAND, it was determined that only $0.42 (42 cents) of every dollar spent on litigation is awarded to the actual victims, their widows and kids. A majority of the funds is paid to transaction costs, including lawyers' fees for corporations and claimants.

$140,000,000,000 ($140 Billion) Trust Fund For Victims of Asbestos Induced Mesothelioma, Lung Cancer and Asbestosis under a No-Fault System with Set Awards Based on Severity of Disease: This Bill would establish a $140 Billion Trust Fund to compensate victims who are truly sick from asbestos exposure under a no-fault compensation system administered by the Department of Labor. Objective medical criteria that will rule in asbestos induced disease, and will rule out disease not caused by asbestos exposure has been negotiated and approved by us and medical experts we have retained. This legislation will offer the following expedited settlements:

Mesothelioma: $1,100,000 per case.

Lung Cancer with Asbestosis: $600,000–975,000 per case.

Lung Cancer with Asbestos Pleural Markers: $300,000–725,000 per case.

Disabling Asbestosis (not cancerous): $850,000 per case.

Asbestosis with Some Impairment: $100,000–400,000 per case.

Attorneys' fees have been limited to 5% under the legislation. It is to be expected that lawyers who have received tens of millions of dollars in asbestos fees might voice some objection to the Bill. Insurance companies who will have to pay hundreds of millions of dollars into the Trust are likewise objecting to this courageous attempt by Senators Specter and Leahy to solve the asbestos compensation crisis.

The Pipefitters, Painters and United Auto Workers Have Joined With Us: The leadership of the Plumbers and Pipefitters (the UA), the Painters (IUPAT) and the United Auto Workers (UAW), have joined with us in supporting this Asbestos Bill S. 852. We believe the leadership of other trade unions will come to join us in the weeks ahead in support of this Bill.

Funding: We are aware of those who, in good faith, question whether $140,000,000,000 ($140 Billion) will be sufficient to fund the Trust to compensate all American victims of asbestos induced cancer and asbestosis. We share their good faith concern.

But there have been too many bankruptcies as a result of the current asbestos litigation crisis. If funding mandated under the Bill proves insufficient, the Bill provides that individuals may return to the court system and pursue a lawsuit in their State or Federal Court before a jury of their peers. This was a hard fought and fair compromise.

Let me close by saying that this International Union remains deeply committed to supporting a meaningful, comprehensive solution to our national asbestos litigation crisis. Be assured if we become aware of changes or amendments to this Bill that will be to the detriment of workers and their families, we will fight them, and will not hesitate to change our position if needed.

We urge you to contact your Senators to gain their full support for this legislation. Attached is a complete listing of Senators and their contact information for your convenience.

With kind regards, we remain,

Fraternally yours,

JAMES A. GROGAN,
General President.
TERRY LYNCH,
Political director.
JAMES P. MCCOURT,
General Secretary-Treasurer.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,
Washington, DC, February 3, 2006.

DEAR SENATOR: Next week the Senate is scheduled to take up the Fairness in Asbestos Injury Resolution (FAIR) Act of 2005 (S. 852), sponsored by Senators Specter and Leahy. The UAW strongly supports this legislation. We urge you to support this critically important legislation, and to support cloture both on the motion to proceed and on the bill itself.

The UAW supports S. 852 because we are firmly convinced it would be far superior to the current tort system in compensating the victims of asbestos-related diseases. Under the existing tort system, many victims receive little or no compensation because those responsible for the asbestos exposure are bankrupt, immune from liability or can't

be identified. Even when victims do receive some award, the litigation takes far too long, and the amounts are highly unpredictable. Far too much money is wasted on attorney fees and other litigation costs, or dispersed to individuals who are not impaired.

The Specter-Leahy bill would solve these problems by establishing a $140 billion federal trust fund to compensate the victims of asbestos-related diseases through a streamlined, no-fault administrative system. This system will provide much speedier compensation to victims according to a predictable schedule of payments for specified disease levels that focuses compensation on those who have the most serious impairments. It will also guarantee that victims can receive adequate compensation, regardless of whether those responsible for the asbestos exposure are bankrupt or otherwise immune from liability.

The UAW strongly supports the provision in the Specter-Leahy bill that does not permit any subrogation against worker compensation or health care payments received by asbestos victims. We believe this provision is essential to ensure that victims receive adequate compensation, and do not have their awards largely offset by other payments. We strongly urge you to oppose any amendment that would undermine victims' compensation by allowing subrogation.

The UAW also urges you to reject any other amendments that would reduce or restrict eligibility for compensation for the victims of asbestos-related diseases. This includes any amendments that would strike medical monitoring or eliminate Level VI awards.

The UAW supports the provisions in S. 852 that require broad sections of the business and insurance industries to make contributions to finance the $140 billion federal trust fund. We believe this broad-based, predictable financing mechanism is vastly preferable to the current tort system, which has already driven many companies into bankruptcy, and is threatening the economic health of other companies that used products containing asbestos, including the major auto manufacturers. Continuation of the existing tort system will inevitably lead to more bankruptcies, resulting in more lost jobs and wage and benefit cut backs for workers and retirees. However, to ensure that the financing mechanism in S. 852 remains equitable and workable, the UAW believes it is essential that the Senate reject any amendments that would severely narrow or cap the financing base and jeopardize the guarantee that $140 billion will be made available to compensate asbestos victims.

The UAW recognizes that a number of specific concerns have been raised by other labor organizations about various provisions in S. 852. We are continuing to work for improvements in the legislation, and are hopeful that Senators Specter and Leahy will largely address these concerns in a manager's amendment.

However, the UAW does not agree with those who have taken exception to the 5 percent cap on attorney fees for monetary daimants. This cap ensures that asbestos victims will be adequately compensated, and not see their awards severely reduced by exorbitant attorney fees. This cap will not impede the ability of claimants to get adequate legal representation. Because S. 852 establishes a non-adversarial, no-fault administrative system, the difficulties and costs involved in bringing asbestos claims will be greatly reduced. Indeed, much of the work can be done by paralegals. We also believe that labor unions and other groups can help provide free or lower cost representation for asbestos victims by hiring staff attorneys and other professionals to process the claims under the no-fault administrative system. Through such mechanisms, asbestos victims can receive competent representation with little or no attorney fees being deducted from their awards.

Finally, the UAW recognizes that questions have been raised about the projections for asbestos claims and the solvency of the trust fund. We would note that most stakeholders agreed to $140 billion in financing early last year. Although all of the projections are subject to some element of uncertainty, the UAW believes that the $140 billion in financing is sufficient to enable the trust fund to compensate asbestos victims for a lengthy period of time. It is also important to remember that S. 852 provides for reversion of asbestos claims to the tort system in the event the federal trust fund should ever have insufficient funds to pay all claims. While we hope these reversion provisions will never be triggered, they do provide assurance that victims will always have some recourse for seeking compensation.

It is easy for critics to point out shortcomings in S. 852. The UAW submits, however, that it is abundantly clear the asbestos compensation system established by the Specter-Leahy bill would be far preferable to the existing tort system. It would do a much better job of providing prompt, equitable compensation to asbestos victims. And it would finance this compensation through a rationale system that does not lead to bankruptcies that threaten the jobs, wages and benefits of thousands of workers.

For all of these reasons, the UAW strongly supports the FAIR Act (S. 852). We urge you to vote for this legislation, and to support efforts to invoke cloture on the motion to proceed and on the bill itself.

Thank you for considering our views on this vital issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, AFL–CIO, CLC,

Washington, DC, February 7, 2006.

DEAR SENATOR: The Senate is now considering the Fairness in Asbestos Injury Resolution (FAIR) Act of 2005 (S. 852), sponsored by Senators SPECTER and LEAHY. The International Union of Painters and Allied Trades (IUPAT) strongly supports this legislation and, as it moves forward, we urge you to support cloture on S. 852 on both the motion to proceed and the bill itself.

The IUPAT believes that S. 852 offers the best hope of providing fair and equitable compensation on a national basis for those who have suffered, or will suffer, from the devastating effects of asbestos exposure in decades to come. We believe that S. 852 and the establishment of a $140 billion federal trust fund to compensate the victims of asbestos-related diseases through a streamlined, no-fault administrative system is a vast improvement over the current tort system that all too often is unfair to victims of asbestos exposure. Under the current tort system, many victims receive little or no compensation because those responsible for the asbestos exposure are bankrupt, immune from liability or cannot be identified. If a victim is fortunate enough to secure an award, the litigation can drag on for years, the award amounts are highly unpredictable, and far too much money is wasted on attorney fees, other litigation costs, and individuals who are not impaired.

Furthermore, while this important legislation is considered on the Senate floor, we urge you to reject any amendments that would weaken core provisions of the bill. Namely, agreements reached on the issues of insurance subrogation, medical monitoring, CT scans, statute of limitations, medical criteria, awards values, $140 billion in guaranteed private funding, enforcement provisions for contributors, transparency of fund contributors and a reversion to the current tort system should the fund become insolvent. Should any amendments be adopted on the Senate floor that would weaken any of these core provisions, we will be forced to withdraw our support for S. 852. We also look forward to ongoing efforts included in a manager's amendment and during Senate floor debate that would, in our view, positively address outstanding concerns with regard to start-up and sunset provisions as well as individuals suffering from both asbestos and silica related diseases.

In dealing with a highly complex and emotional issue, S. 852 reflects years of negotiations and compromises that will undoubtedly allow critics to point out various ''shortcomings'' in this bill. The IUPAT recognizes that this bill is not perfect but perhaps it represents the last best chance to provide prompt, equitable compensation to asbestos victims and is undoubtedly a vast improvement over the existing tort system. The U.S. Supreme Court has held that federal legislation is necessary to solve the current asbestos compensation crisis, and we agree. We believe that S. 852 deserves your consideration and ultimate support, and for that reason, the IUPAT urges you to support cloture on both the motion to proceed and the bill itself.

Thank you for your time and attention to this critical issue.

Sincerely,

JAMES A. WILLIAMS,
General President.

Mr. SPECTER. Mr. President, I see the distinguished Senator from West Virginia, the senior Member of this body, the former President pro tempore, former chairman of the Appropriations Committee. He has held every title there is around here. We consider Senator BYRD's longevity and stature as phenomenal. He was in Congress when Harry Truman was President, so he has served with a lot of Presidents. Senator BYRD makes a key distinction between serving with and serving under. He says serving with, and I think he is right. And if you are dealing with Senator BYRD, of course, he is right.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I shall quote Alexander Pope in saying to my distinguished friend, Senator SPECTER:

> Thou art my guide, philosopher, and friend.

I thank the distinguished Senator.

Mr. President, I ask unanimous consent to proceed for not to exceed 3 minutes as in morning business for the purpose of submitting a resolution.

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

The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD pertaining to the submission of S. Res. 370 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is about a quarter of 5, so we still have a fair amount of time left on today's calendar. There is no Senator in the Chamber, except you and me, Mr. President. So if there are any of our colleagues who want to speak on the asbestos bill, now would be a good time to come over and speak.

There is a certain tempo about this Chamber. When there are a lot of Senators who want time, there is very limited time, fighting for the last extension of time, unanimous consent for 2 more minutes here and a little more there. Now is the time for anybody who wants to speak to come to the Senate Chamber.

I might comment that we all have a lot of other things to do, beyond any question. I have been spending a lot of my time meeting with Senators in their offices talking about the bill and also working on the issue of electronic surveillance, which is very heavy on the Judiciary Committee calendar. I am now about to go to a meeting on immigration, but I will be available if the action on the floor heats up.

Again, I urge any of my colleagues who want to speak, now is a good time. Again, I urge my colleagues to follow up on the request Senator LEAHY and I made back on January 25: If you have amendments, let us know so we can manage this bill in an efficient way.

In the absence of any Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, pending before the Senate is S. 852, which is a bill that has been written to address what has become a scourge in America: asbestos-related illness and death.

We understand that as early as 1934, some of the companies that were making products out of asbestos came to realize there was a danger, that some of the employees working around this asbestos ended up developing lung problems and some of them were fatal.

Rather than protect the employees or disclose the danger, some of these companies did nothing, said nothing. In fact, there is ample evidence that they covered it up. They didn't want their employees to know the dangerous situation they were in. They didn't want to end up with liability for their employees' illness and death, and they didn't want to lose their profitability. So this secret was kept for a long time, from the 1930s onward.

Through World War II, when men and women serving this country were busy building the ships and other vehicles necessary for our troops, they were exposed to asbestos in many different forms.

Asbestos became a very common element that was used in construction and a lot of different products, from brake linings to home insulation. It was considered to be a valuable resource that was fireproof and light in weight. It was somewhat revolutionary. But during this entire period of time, the development of asbestos product, the asbestos itself, and the fibers that were floating in the air, breathed in by workers and bystanders and innocent people, were creating mini-timebombs in the lungs of the people who were exposed. They didn't know it. They didn't sign up for it. They were not warned. They only learned much later in life that they had some exposure and it ended up killing them.

I wish the story of asbestos had started and ended long ago, but it continues to this day. People still turn up with this disease, mesothelioma, the most fatal form of asbestos exposure, similar to lung cancer, but much more virulent in terms of its devastation on the human body.

The persons diagnosed with mesothelioma have limited time to live. Some of them go through harrowing, extraordinary surgical procedures to buy the possibility of a few more months of life. It can strike anybody at any time, young and old alike, men and women alike. It can strike someone in your family, Mr. President. It can strike a friend. Asbestosis, which is a form of it, is a disease which limits your activities and limits your lifespan. Mesothelioma is a killer.

So hundreds of thousands of Americans have come to learn, because of exposure to this product, that they are sick and facing huge medical bills and the prospect of illnesses of great duration or death, and they ask who is responsible.

Occasionally, they will find an employer that used asbestos. In some cases, they will find a product they purchased that ended up creating asbestos exposure, and they try to seek compensation in court.

What they are doing is very common in America. People who are guilty of wrongdoing are held accountable in court. Drunken drivers are held accountable in court. People who sell defective products are held accountable in court. People who strike other people and cause injury are held accountable in court.

So over the years these hundreds of thousands, maybe millions, of people have asked for their day in court, asked for a judge or jury to decide whether they are entitled to compensation for medical bills, for lost wages, for the family they will leave behind if they are going to die.

It is not unusual. These are the types of lawsuits filed every day in America, and we trust our system. The system says that ultimately a judge and a jury will decide what is fair and what is right. A judge and a jury of the peers of the person who is in the courtroom will decide if compensation is something that should be given. In many cases, it is clear, and large verdicts are given; in some cases, the answers are no.

So over the years, as this asbestos exposure has become better known, many of the companies that were deeply involved in making profits with asbestos have faced huge lawsuits from numerous people who have been injured. Some of these companies, because of the lawsuits and other circumstances, have gone out of business.

Johns Manville was a big name 30 years ago in America. Now it is a trust fund created to pay asbestos victims. Johns Manville made its fortune, in some part, by using asbestos. But by using asbestos and creating asbestos products, they endangered and harmed a lot of people. Courts across America said: Johns Manville, you are responsible; you have to pay. That has happened over and over.

There are many corporations that wonder if they, too, will face many lawsuits. Some already have; others have not. The victims keep coming because so many people were affected by this product. And because of the concern of some businesses as to their exposure and liability, they started coming to Congress over 20 years ago, saying we have to close the courthouse door, we can't let these people come into the courtrooms anymore because they keep winning. They are winning because no one willingly exposed themselves to asbestos. They were innocent victims and their lives were changed dramatically.

So these businesses came to Congress and said: You have to take these cases out of the courtroom; you have to create some other way to deal with it.

We have been talking about it for a long time here on Capitol Hill. Finally, this week, S. 852 has come to the Senate floor in an attempt to create a system that will replace the courtroom in America. This bill creates a trust fund that is supposed to pay the victims.

Think about these victims for a moment. There are some, when you think about them, you might be surprised to know why they died. One of them we talked about earlier today was a great colleague of mine from the State of Minnesota, Bruce Vento. What a terrific guy. I believe he was formerly mayor of St. Paul, MN. He represented St. Paul in the House of Representatives. Bruce was a terrific fellow, an outdoorsman, physically fit. I would see him in the House gym every morning. His locker was down from mine.

Then came the day when they diagnosed him with mesothelioma, and that was, sadly, a death sentence. At some point in his life, something he had done had exposed him to asbestos. It was a tough situation. His family tried to face it, get the best of medical care, but it was hopeless. As a consequence, Bruce passed away.

Here is someone certainly the older people in the audience will recognize, actor Steve McQueen. He died in 1980

from mesothelioma. Some exposure at some point in his life led to this deadly disease. This man who was so handsome, daring, and courageous in all the movies could not fight back when he was struck with mesothelioma.

Recently, singer Warren Zevon—I recall when he did his last CD. It was a big hit. He made that CD realizing it was the last one he would ever record. At some point in his life, he was exposed to asbestos. He has died.

Admiral Elmo Zumwalt, most people remember him, his service to America in the U.S. Navy during Vietnam. He is a well-known figure, spokesman. He, too, was exposed to asbestos at some point in his life and died of mesothelioma.

These are some of the big names who died of mesothelioma, but there are others.

Patricia Corona is a mesothelioma victim. I wish to tell you a little bit about her story.

Patricia, 72 years old, was diagnosed with malignant mesothelioma in the spring of 2001. Her exposure began when she was a young woman in the course of her employment as a sales manager at various automotive dealerships. They used asbestos brake linings, pads, and clutches. She was a sales manager. She frequently walked around the service area. Unknowingly, she was exposing herself to deadly asbestos fibers.

Mrs. Corona and her husband Carl, shown in this picture, have two children. After leaving the automotive dealership, Mrs. Corona decided to stay at home with her kids. While at home, she led an active life. She remodeled her entire house by adding on, painting, putting up drywall, putting in new floors, among other things, just the kind of ambitious, energetic, and talented woman you want to have in your own home. Unbeknownst to her, many of the products she used in home construction contained asbestos. Again she was exposed, unknowingly, to these deadly asbestos fibers.

When Carl and Patricia's kids were grown up, Mrs. Corona went back to work as a sales manager, and eventually bought her own custard stand. After quitting her sales manager job and selling the custard stand, she stayed home to take care of her handicapped brother.

While taking care of her brother, she did some small remodeling. In the spring of 2001, Mrs. Corona's active life came to a screeching halt. She was stricken with shortness of breath and extreme chest pains. She was diagnosed with mesothelioma in May 2001. Mrs. Corona's life, along with her husband's, changed dramatically due to the effects of the disease.

Mrs. Corona is obviously restricted in her activities and realizes that in a short period of time, she will succumb to this disease. Patricia Corona of Glen Ellyn, IL, another asbestos victim.

This is businessman John Rackow. John is from Lake Zurich, IL, grew up in Chicago and moved to the suburbs. His father Ron owned a plastics factory, and Jack helped him run it. He married and raised three kids. Along the way, he worked for a lot of different businesses. He worked in the property development business. He was athletic and active, but he recently noticed when he went out running, he would become short of breath. He was an avid golfer. Jack also noticed his golf game wasn't what it used to be. He went to see a doctor. Some routine tests revealed a mass in his body. When the biopsy was done, the doctor diagnosed him with mesothelioma.

Jack didn't believe it. He went to all kinds of specialists. He took medication to manage the pain. He continued to play golf and even entered a golf tournament. However, after a few days, he was flat on his back in the hospital. He became weaker by the day, and in less than 2 weeks from the time he entered the hospital, he passed away at the age of 64. Jack Rackow is survived by his children and grandchildren. He is another asbestos victim.

The last one I will talk about from Illinois is policeman Donald Brozych from Tinley Park. He studied for the priesthood. He eventually decided to become a police officer. While he was in school, he worked in construction. He was handy at home and worked on his own car.

After he retired, Don and his wife enjoyed traveling and spending time with their friends, but he found himself worn out all the time. During a physical exam, the doctors found some abnormalities, did some tests, and diagnosed him with malignant mesothelioma.

After diagnosis, Don has gone through numerous treatments—chemotherapy, extensive surgery. He even went into an experimental program. He lost his hair. As of the time of this writing, he has been in treatment for over 2 years. He says each day is a blessing and he doesn't know what to expect in the future. He and his wife Donna pray for a future.

When was he exposed? He doesn't know. He looks back at his life and tries to figure out was it while he was working on construction, trying to earn his way through school? Was it while he was working on his car, doing home repairs? There were so many common experiences he was involved in, never knowing he was exposed to asbestos.

I tell you these stories because people such as those I just described have cases pending in courts across America today. They are people whose lives have been shortened and whose lives have been changed dramatically because of exposure to asbestos. They want to know if they can find the party responsible for their illness, whether that party will pay to their family the cost of medical bills and do something to keep their family together when they are gone. It is not an unreasonable request, and it is a request which many times leads to a jury verdict or a judge finding, yes, they are entitled to recover.

This bill that we have before us, S. 852, is a bill which will close the courthouse doors to every one of those people. If they don't have a case being argued before a judge in trial, when this bill is signed their case will be closed. No matter how long they have worked on it, no matter how much effort they put into bringing together medical bills, bringing together all the evidence of where they worked and how they could have been exposed—despite all that effort, it is over.

Where do they turn? They will turn to this trust fund, a trust fund that has been created in this bill. How much money are we going to have in this trust fund to take care of all these asbestos victims for the next 50 years? The amount, according to the chairman and the sponsor of the bill, is $140 billion.

Repeatedly today and on previous occasions, Chairman SPECTER has been asked: Where did you come up with the number $140 billion? By what method did you calculate the number of potential victims, the amount of compensation, to come up with this number of $140 billion? Without exception, the chairman of the committee and lead sponsor of the bill, Senator SPECTER, has said he cannot explain that calculation. He cannot tell us where $140 billion came from. At best, he says, it was a figure that he heard from Senator FRIST and Senator Daschle a year or two ago. That doesn't sound like a very valid starting point to establish the amount of money you need in a trust fund to take care of some of the victims that we have talked about.

To close the courthouse door to Donald Borzych and his family, and to say to them you cannot pursue your lawsuit, you must turn to this trust fund, the starting point should be that the trust fund has enough money to take care of the victims. But, sadly, there is no way of establishing that.

In fact, today Senator KENT CONRAD, who is a colleague of mine from the State of North Dakota and is the Democratic spokesman on the Senate Budget Committee, made a presentation to our caucus lunch. By best estimate, $140 billion is grossly inadequate, totally unfair in terms of what it will cover in the future. They have turned to a variety of different groups and said: What would it really cost? The Congressional Budget Office, outside consulting groups—each and every one of them says $140 billion is not enough.

Senator SPECTER was asked yesterday: What happens if this trust fund runs out of money? What if claims of people like Donald Borzych, Patricia Corona, are still out there, or people just like them, when the fund runs out of money? Senator SPECTER was very candid. He said we will just have to cut back on the amount we have to pay the victims. Think of that for a moment. Facing deadly mesothelioma or asbestosis, losing your day in court for just

compensation for your injuries, you turn to a trust fund that fails you when you need it, and you receive a token amount for having given up your life, having given up the quality of your life, having given up all that time with your family.

Over the last year or two I frequently have met with the families of these mesothelioma asbestos disease cases. Some of them are still heartbroken because in many cases that father and that husband was taken from them in a short period of time. In other cases they fought valiantly, with great pain and sacrifice, to try to beat this disease—and they failed. Just last week, in a corridor upstairs, a family came to see me. A great young little fellow there who looked like he was about 8 years old—he had a white shirt on and a bow tie—he was coming to the U.S. Capitol. He talked about losing his grandfather. He said he was glad he lived long enough to at least know him, but he lost him to asbestos.

I thought to myself at that moment: If you are going to take that family out of court, if you are going to close the courthouse door to their effort to recover at least for the medical expenses and the injuries that have been suffered, shouldn't you put them in a system that will work, a system that you can say with some confidence will compensate them?

We cannot say this about this bill—$140 billion—and no one can come to this floor and explain how that $140 billion is going to be adequate. It turns out that as soon as you close the courthouse door, if this bill passes, and you open up this trust fund, there will be a flood of people rushing to it. We know that. Some of them are on their last leg, literally, trying to get some compensation. So will there be enough money in the trust fund to get started? The answer is no, not nearly enough.

What is the trust fund going to do? It is going to turn around and borrow enough money to start to pay them over an extended period of time. And as the trust fund borrows money, it has to pay interest for the money it borrows. The best estimates are that out of $140 billion, more than a third of it is going to be paid in interest because of borrowing to start the trust fund in its earliest years. So there will not even be $100 billion to deal with all of these cases.

Where will the money come from, $140 billion? That is another good story. I yielded today several times to Senator SPECTER. We talked about this. It is still not clear what happened, but some outside group—whether a consulting group or private corporation, I don't know—was called on to figure out how you create $140 billion in a trust fund. How do you turn to businesses and insurance companies and have them pay that much money? What standards do you use? How many companies are affected? Which companies will be responsible? Which will not be?

All the time we were considering this bill in committee, many of us were asking: How did you come up with $140 billion, and who is going to pay it? We never could get an answer. In May of last year I wrote a letter to the chairman and I asked: Can you tell us the answers to those questions? This was 8 months ago. I never received a reply.

Over time, the chairman said he would provide the information, then announced that he had to issue a subpoena to get the information to explain his own bill—subpoena. Today he acknowledged it. They subpoenaed the information—not from a Government agency but from some private business, private corporation that was writing this bill, or at least writing the means by which they would fund the bill. They subpoenaed the information. So, obviously, we believed that in the interest of a real public debate that information should be public. But it is not. Somehow or another it has been characterized and classified as confidential information so that any person—the family of Donald Borzych, for example—who wants to know how this trust fund will ever be funded can't even see this. It is a secret list, a secret list of the companies that are going to fund the trust fund to $140 billion.

Is this how we write laws in America? Do we go to private companies to write the laws? And then, when you ask them to give you the information as the basis for the law, you have to subpoena it? Demand it from them? Is that what the American people expect? I don't think so.

I think they expect people, public officials and our staff, to put their best efforts into writing a bill that is not written by special interest groups, is not written by private companies. In this case, this bill clearly was, in many respects.

There are big winners in this bill. I wish I could go through the bill with some certainty and tell you what is in it, but I cannot. Standing here today, facing the prospects of voting on the bill tomorrow, I cannot tell you what we will be voting on. A lot of people think Senators do not even try. The fact is, we were given a bill, this bill here, S. 852. That is the one that was passed around here. It is on everybody's desk. But it turns out this is not the bill at all. Listen to what was printed today in Congress Daily, which is a publication on Capitol Hill:

> Senate Judiciary Chairman Specter is drafting a managers' amendment to the asbestos litigation bill with more than 40 new provisions in hopes of garnering enough votes to pass the legislation. Senator Specter said in a news conference, ''There is so much of this bill that is a work in progress.''

I can tell you, that means that neither this Senator nor, frankly, any Senator other than perhaps the chairman, has a clue what we will be voting on tomorrow. While the fate and lives of millions of Americans who have been exposed to asbestos hang in the balance, we are being asked to vote for a bill that will be changed so dramatically in just a few hours that no one knows what is in it. No one knows what is in it. This is what gives Congress a bad name—for us to be moving on a bill of this importance and this magnitude without knowledge as to what is included.

What is interesting is that the White House usually comments on these bills. They kind of send us a statement of administration policy, as to whether they support a bill or oppose it. What I find interesting is we received an interesting statement from the White House on the administration's approach to it. I might say, before I read it, that they could not possibly know what is in this bill because no one else knows. It is going to change overnight. A managers' amendment will bring 40 new provisions in the bill. But nevertheless, the administration, the Executive Office of the President, February 8, 2006, Statement of Administration Policy on S. 852:

> The administration supports Senate passage of S. 852.

He goes on to say asbestos related litigation has clogged up courts, deprived those with injuries of meaningful remedies, costing tens of thousands of jobs, and so forth.

Then they come down to the second paragraph in this very brief statement of policy in which they say:

> Although the administration has serious concerns about certain provisions of the bill, the administration looks forward to working with Congress in order to strengthen and improve this important legislation before it is presented to the President for his signature.

Serious concerns—well, they should have serious concerns because they have not seen the bill. Forty new provisions are going to be added tonight that no one in the White House could possibly have read before they gave this reservation of an endorsement.

Here we are in a situation with a trust fund in an amount that cannot be explained, coming from companies that are on a secret list that cannot be disclosed, as part of a bill that does not exist.

If you were out there with a member of your family exposed to asbestos, I think you would have justifiable concerns that what the Senate is about to do is nothing short of a disaster—a disaster for so many victims across the United States.

Several things ought to be said about the problems that we face with this bill. I could talk to you about the difficulties in the bill. One of them relates to Libby, MT. Libby, MT, could have been ground zero for asbestos contamination. W.R. Grace & Company was mining asbestos and their workers were being exposed to dangers on a daily basis. This company is now gone, but the lawsuits and the injuries and the deaths continue from Libby, MT.

I can recall when Peter Grace, the head of W.R. Grace, was brought to Washington during the Reagan administration to tell us how to run the Government. Peter Grace was the head of a

commission to end waste and fraud and abuse in Government.

It turns out that Peter Grace's company, W.R. Grace, had been guilty of fraud on its workers for decades, concealing the dangers of asbestos. Part of this bill says we ought to give these Libby, MT, workers good treatment. I support it. I think it is a good thing to do.

But only Libby, MT. It turns out across the United States of America there are smaller examples of exactly the same thing in State after State. There are over 25 different sites around America—some in my own home State of Illinois, some in Texas, some in Louisiana, some in New York—that are just like Libby, MT. But when the chairman wrote the bill, special consideration was only given to one place in America—one place. Why? Why would you single out one place in America to give special treatment under the bill? Sadly, that is exactly what happened. And because it happened, we are going to be facing an amendment, which I believe Senator GRAHAM will offer, to make sure that there is fair treatment for many others who are going to be involved.

I hope the Senate will support it. As I said, I am not against Libby, MT, receiving their fair share. But who were the winners and losers when it gets right down to it? The list is pretty interesting.

I talked earlier about U.S. Gypsum, a company based in Illinois. They have been sued by lots of people exposed to asbestos from their products. U.S. Gypsum made an announcement last week as follows:

> We believe that we have about $4 billion in damages that we have to pay to victims of asbestos exposure from our products.

Then they went on to say that they were going to pay it, unless this bill passes. If this bill passes, U.S. Gypsum will be required to pay into the trust fund $900 million.

Think about that for a moment. One company benefits to the tune of $3.1 billion—U.S. Gypsum—because of this bill.

When it comes to the question about who wants this bill, you can bet that company wants this bill.

Honeywell is another company—estimated future asbestos payments, $2.75 billion.

How much will they pay into this trust fund? Somewhere in the range of $300 million or $400 million, about 14 percent or 15 percent of what they would otherwise pay in court. So now Honeywell wants this bill.

Dow Chemical, estimated future asbestos payments up to $2.2 billion. What is the amount of money they will pay into the asbestos trust fund? Somewhere in the range of $300 million. So they are going to do quite well.

But there are other companies that will be forced to pay into this trust fund with exactly the opposite results.

A.W. Chester, a company that has an estimated future asbestos payment in the court system, zero; never been sued, never paid. They will have to pay annually $16.5 million into this trust fund; never been sued, never paid a penny.

They have said, quite frankly—this company has been around for a long time—they are going out of business.

The same thing is true with Hopeman Brothers, no exposure; $16.5 million a year into the trust fund.

National Service Industries, estimated future asbestos payments, $11 million. They have to pay $16.5 million a year into this trust fund.

Is it any wonder that many of us have asked to come up with a list of companies that are going to be winning and losing with this asbestos bill? There are going to be some big, huge winners, and they have been working night and day to get this passed.

There was a study released by Public Citizens Congress Watch in May 2005, entitled, ''Federal Asbestos Legislation: The Winners Are.''

It looked at lobbying efforts behind this bill. They have been going for a long time.

I mentioned, in an earlier statement, that over 20 years ago people were talking about legislation. There has been a real intensity in that lobbying effort over the last several years.

This public citizen organization concludes the big winners will be an unknown number of Fortune 500 companies and at least 10 asbestos makers who have filed for bankruptcy.

It concludes: Some of the Nation's largest and savviest investment firms have positioned themselves to score big if the bill passes.

Everybody following this debate—especially Americans fed up with the way Washington works against the interests of the mainstream and for the interests of Wall Street—I hope they will go to the Public Citizen Web site, www.Citizen.org, and read it for yourselves. You can read their report and analysis of the lobbying effort. And you will find the money which has been spent—estimates by some are as high as $140 million—in lobbying to get this bill passed.

It sounds like a huge sum of money, until you look at one company that could win $3.1 billion if this bill passes. It means a lot to them. You can understand why that company hired 40 lobbyists to come and beg us to vote for this bill.

But I don't worry so much about the companies. I want them to stay in business, if they can. I worry most about the victims. I worry about a system that would not pay those victims.

Is this the best we can do in America? Is this what fairness has come to? This bill is called the FAIR Act. Sadly, I think it is unfair. It is unfair to the hundreds of thousands of people who, through no fault of their own, have been exposed.

Luckily, we have a lot of supporters who have come and talked to us about their support for this legislation opposition. They include many businesses that will be shortchanged, as I mentioned earlier, which include some insurance companies that feel this is fundamentally unfair. They include asbestos victims groups united to oppose this legislation and a score of major labor unions across America representing workers who may have been exposed and may need their day in court.

I am afraid that when you add up this lobbying effort that I have in my hand against the $140 million to pass this legislation, this poor group just didn't have the firepower.

That is why this legislation is on the floor today and why it will be considered very soon.

Once again, we are going to say to America, We don't trust the courts in America, we don't trust the judge, we don't trust the juries. We trust the special interest groups pushing legislation that takes the power away from the individual to have their day in court, to have their neighbors decide what they are entitled to.

Some who want to put their trust in that operation should pause and reflect.

This is the same gang who came up with the Medicare prescription drug benefit program that has become an unsalvageable fiasco across America; again, that program driven by the pharmaceutical companies, this legislation driven by a handful of corporations that will do extremely well.

I am going to close by saying that I can't think of a more important bill to be considered since I have been in Congress. I can't think of a bill that is going to have more impact on ordinary people.

It is unfortunate that special interest groups will dominate this debate. Some people say: Aren't there special interest groups on both sides? I will concede that point; business groups on both sides, trial lawyers on one side, major corporations on the other side, unions on one side. This is a clash of the special interest titans.

That is what this bill is.

The obvious question is: Why are we doing this? If you ask the American people to pick any city in America, whether it is in Nevada or Illinois, you pick it, go on the street and ask: What is the first bill the Senate should take up this year? My guess is that many of them would say: I hope it is ethics, with that culture of corruption in Washington. You had better clean that mess up before you do anything else. Someone else may say: After I sat down with my mother and tried to do that prescription drug form, I hope you will change that. Someone else might say: I hope you will do something about the cost of health insurance. That is a real issue facing businesses, families, and individuals.

In my part of the world, they would say: Have you seen your heating bill at your home lately? It is double, Senator, if you didn't notice. What are you doing about energy in this country?

Some workers who come by my office ask: What are you going to do to protect pensions which we have worked a lifetime for?

There is a long list of things we could do not driven by special interest groups. No. The first item on the agenda for the Senate is the asbestos bill, the clash of the special interest titans.

That is where we are going to spend our time.

When it is all over, I am afraid those who couldn't afford lobbyists, couldn't afford the people who stand outside the corridors with signals, hand signals, with a wink and a nod on how we are supposed to vote, those are the ones who are going to be the losers.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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.

ELECTRONIC SURVEILLANCE

Mr. SPECTER. Mr. President, on Monday, the Judiciary Committee held a hearing on the administration's electronic surveillance program and we dealt solely with the issues of law as to whether the resolution to authorize the use of force on September 14 provided authority in contradistinction to the Foreign Intelligence Surveillance Act, which flatly prohibits any kind of electronic surveillance without a court order. Then we got into the issue of the President's inherent powers under article II. It is difficult to define those powers without knowing more about the program and we do not know about the program. It was beyond the scope of our hearing, but it is something that may be taken up by the Intelligence Committee.

But I made a suggestion to the administration in a letter, in which I wrote to Attorney General Gonzales and put in the RECORD at our Judiciary Committee hearing, that the administration ought to submit this program to the Foreign Intelligence Surveillance Court. They have the expertise and they are trustworthy. It is a regrettable fact of life in Washington that there are leaks from the Congress and there are leaks from the administration, but the Foreign Intelligence Surveillance Court has been able to maintain its secrecy. The Attorney General said the administration was disinclined to do that.

In response to the letter, he wrote, a written response, he said that they would exercise all of their options. I am now in the process of drafting legislation which would call upon the Congress to exercise our article I powers under the Constitution to make it more of a matter for congressional oversight, but respecting the constitutional powers of the President under article I. The Congress has very substantial authority. The President has powers under article II; the Congress has very substantial powers under article I. In section 8, there are a series of provisions which deal with congressional authority on military operations. One which hits it right on the head is to make rules for the Government and regulations of the land and naval forces. That would comprehend what is being done now on the electronic surveillance program.

The thrust of the legislative proposal I am drafting and have talked to a number of my colleagues about, with some affirmative responses, is to require the administration to take the program to the Foreign Intelligence Surveillance Court.

I think that they ought to do it on their own because I think that there are many questions which have been raised by both the Republicans and Democrats. We want to be secure and we want the military, the administration and the President to have all the tools that they need to fight terrorism, but we also want to maintain our civil liberties. If that unease would be solved by having the Foreign Intelligence Surveillance Court tell the administration that it is constitutional, if they say that it is unconstitutional, then there ought to be a modification of it so what the administration is doing is constitutional.

This comes squarely within the often-cited concurring opinion of Justice Jackson in the Steel Seizure case about the President's authority being at its utmost when Congress backs him, on middle ground when Congress has not spoken, and weakest when Congress has acted oppositely in the field, which I think Congress has done under the Foreign Intelligence Surveillance Act because the President's congressional authority then is whatever he has minus whatever Congress has that is taken away from him.

As Justice Jackson said, what is involved is the equilibrium of the constitutional system. That is a very weighty concept—the equilibrium of the constitutional system.

The legislation I am preparing will set criteria for what ought to be done to establish what the Foreign Intelligence Surveillance Court should apply in determining whether the administration's program is constitutional. The standard of probable cause ought to be the one which the Foreign Intelligence Surveillance Court should apply now—not the criminal standard, but the one for gathering intelligence. Then they ought to weigh and balance the nature of the threat, the scope of the program, how many people are being intercepted, what is being done with the information, what is being done on minimization—which is the phrase that the information is not useful in terms of deleting it or getting rid of it—how successful the program has been, if any projected terrorist threats have been thwarted, and all factors relating to the specifics on the program—its reasons, its rationale for existence and precisely what is being undertaken, its success—and that the Foreign Intelligence Surveillance Court ought to look to this, essentially, prospectively.

The court does not have punitive powers, and I do not believe that it is of matter, except to work from this day forward as to what is being done. No one doubts—or at least I do not doubt—the good faith of the President, the Attorney General, and the administration on what they have done here. But as I said in the hearing, I said to Attorney General Gonzales, the administration may be right but, on the other hand, they may be wrong.

The Foreign Intelligence Surveillance Court ought to take a look at the program, make a determination from this day forward whether it is constitutional, and if it is constitutional, then they ought to, under the statute, report back to Congress with their determination as to whether it is constitutional.

The court ought to further make a determination as to whether it ought to be modified in some way which would be consistent with what the administration wants to accomplish but still be constitutional and not an unreasonable invasion of privacy.

The President has represented that his program is reevaluated every 45 days. That is in terms of the evaluation of the continuing threat and what ought to be done. I think a 45-day evaluation period would be in order here as well.

This question is one which is not going to go away. We had, yesterday, the comment by a Republican Member of the House of Representatives in the Intelligence Committee who chairs the subcommittee that oversees the National Security Agency. There are quite a number of people on both sides of the aisle who have expressed concerns regarding this program. It is my judgment that having it reviewed by the Foreign Intelligence Surveillance Court would accomplish all of the objectives, would maintain the secrecy of the program, would allow the President to continue it when there has been the determination by a court—that is how we determine probable cause on search warrants, on arrest warrants, on the activities, the traditional way of putting the magistrate, the judicial official between the Government and the individual whose privacy rights are being involved.

I yield the floor.

OIL AND GAS EXPLORATION IN GULF OF MEXICO

Mr. MARTINEZ. Mr. President, the Senator from New Mexico, chairman of the Energy Committee, whom I greatly admire and respect and consider a good friend, spoke about the bill he proposes to create opportunities for oil and gas exploration in the Gulf of Mexico.

I rise to point out that last week Senator NELSON and I offered a bipartisan bill that also deals with opening some aspects of lease area 181 to oil and gas exploration. The bill Senator NELSON and I propose is a bill that I believe should find favor with many Senators. It allows protection to Florida's coast of 150 miles. It is the kind of protection that Florida's economy depends upon and demands. The people of Florida fully understand the significance of this. This is what jobs in Florida are about, opportunities for people to continue to come to our State to enjoy the wonderful open air, the beaches, the great environment that we have to offer. It also protects the military mission line. This is a very important area for military training out of Eglin Air Force Base and other adjoining bases that utilize this area of the Gulf of Mexico as a primary area for training exercises.

More than that, it also gives the State of Florida permanent protection. This buffer of protection around the State, unlike all the other proposals, gives the State of Florida permanent protection. Once and for all we will define where in the Gulf of Mexico we will drill and where we will not drill, where in the Gulf of Mexico the State of Florida will find permanent protection.

The chairman's bill opens more area for drilling in lease area 181. We don't like that as well as what the Senator from Florida and I proposed, but we understand it does also conflict with what is being proposed and today was outlined by the Minerals Management Service of the Department of the Interior. The Department of the Interior today proposed the next 5-year leasing area for the Gulf of Mexico in lease area 181, and they speak of an area open for drilling that is even less than what the Senator from New Mexico is proposing. But equally flawed, this is protection for 5 years. It is another 5-year moratorium.

Five years from now, we will be right back here where we are today discussing how yet another portion of the Gulf of Mexico might be open to oil exploration. The bill Senator NELSON and I propose is the only one that opens areas in lease area 181 and a substantial portion south of lease area 181 to further oil and gas exploration but also provides the State of Florida with permanent protection, permanent protection the State of Florida ought to decide whether they wish to have. And we representatives of the State of Florida believe strongly this is important to us.

What is the rationale for this? Why must we continue this quest for more and more drilling in the gulf? We are talking about the price of gas. Since we were debating this a couple months ago, the price of gas has dropped dramatically. It is now not almost but almost 50 percent of what it was a couple of months ago. In addition, for the last 15 years, we have gone to a very inefficient way of producing electricity by generating electricity with gas. Almost 95 or 92 percent of all new generating facilities that have been built over the last 10 years or so have been powered by gas, a very inefficient way of doing it. Why? Because it was cheap. Because gas was so cheap, this was the best alternative, just as the energy companies moved in the direction of gas because it was inexpensive. As the price of gas has risen, it will dictate that they will move to other fuel sources.

I continue to believe that inefficient power, generating decisions made 10 years ago, should not inure to the detriment of the people of Florida, Florida's economy, and environment. It is fine to use the Gulf of Mexico for oil exploration in areas where it is sufficiently far away from the State of Florida. It is fine to go into lease area 181. We are willing to open up more of 181 to oil and gas exploration. What we are not willing to do is not insist that the State of Florida be provided with some permanent protection.

There is more than one bill to discuss. There is more than one way to go here. I believe that we offer a way for more gas and oil exploration in the State of Florida while at the same time providing our State with the vital permanent protection that the people of Florida expect and demand.

I yield the floor.

STAMINA, LEADERSHIP, AND RESPECT FOR THE SENATE

Mr. LEAHY. Mr. President, all of us who are friends and colleagues of the senior Senator from Pennsylvania, Senator SPECTER, are delighted with his robust recovery from a difficult illness.

Nearly a year ago Senator SPECTER announced that he had been diagnosed with Hodgkin's disease. He declared that he was going to beat it, just as he had beaten a brain tumor, heart surgery and several other challenges. We are delighted that his promise has been fulfilled, as we knew it would be.

Over the last year he underwent a regimen of grueling treatments. Throughout dozens of Judiciary Committee hearings and voting sessions on difficult topics, he and I sat side by side, month after month, as his treatments progressed. He slowly lost his hair, but he never lost his grit, his sense of fairness or his respect for the Senate and its special role in our system of Government. Nor did he lose his legislative skill, or his humor. Then, and now, he has maintained for himself, and for our committee—a brisk schedule, fueled by an energy level that would be daunting to many who are half his age.

He has all of the vigor of his earlier days, and maybe more. His hair is back, and if I may say so, he looks better than ever.

He is an inspiration to us all, and his example is a particular inspiration to millions of victims and survivors of cancer, and their families, across the Nation.

I value the partnership that he and I have forged over the years, and especially during the time that he has been our committee's chairman. One product of our partnership is the asbestos trust fund bill that is now before the Senate. Bringing this bill on its long journey to the Senate floor has required unending commitment and effort. I have been proud to work with him on this project, and I applaud him for all he has done to bring the bill to this point.

I commend to the attention of our colleagues an editorial about Senator SPECTER in today's edition of The Hill newspaper.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Hill, Feb. 8, 2006]

LOOMING SPECTER

The past year has been tumultuous for Sen. Arlen Specter (R-Pa.), but he has emerged from its trials triumphant.

It is not quite 12 months since the lawmaker announced he had been diagnosed with Hodgkin's disease, a form of cancer. In his statement disclosing his ailment and the imminent start of chemotherapy, Specter said, ''I have beaten a brain tumor, bypass heart surgery and many tough political opponents, and I'm going to beat this, too.''

He has been as good as his word. He lost his hair but continued to shoulder his heavy workload (and to keep in shape playing squash before he got to his desk in the morning). He was never absent, and his hair is back. At 75, Specter is looking spry.

At the time of his diagnosis, the senator had only just secured his chairmanship of the Judiciary Committee, after a tough battle against conservative Republicans who feared he would not fight hard for conservative Supreme Court justices should President Bush have the opportunity to nominate them.

Those fears have proved unfounded. There are now two new members of the high court, Chief Justice John Roberts and Justice Samuel Alito, whose conservative credentials are not in doubt. Those on the right trust and hope (just as those on the left believe and fear) that the new justices, replacing the late Chief Justice William Rehnquist and Justice Sandra Day O'Connor, will move the court toward conservative textualism and away from the ''living Constitution'' ideas that have produced liberal change on social issues for the past two generations.

It is Specter, a supporter of abortion rights, who has presided over these changes to the bench. And he has done so with aplomb and without any hint either of truckling to those on either his right or his left. He rejected, for example, conservative demands that Alito's confirmation hearings be

brought forward in December so that the nominee would not be left hanging out as a target for too long. At the same time, he did not allow his own ideological positions to blind him to the nominees' obvious qualifications. Alito's and Roberts's critics were given ample time to air their concerns, yet both were steered swiftly and comparatively easily to confirmation.

Bush must surely be well-satisfied with his decision in 2004 to back Specter's re-election despite their obvious differences in ideology, temperament and outlook.

Specter is not resting on his laurels. His agenda is dominating Senate business. He is presiding over a Judiciary investigation of the National Security Agency's controversial terrorist surveillance program. And his asbestos reform bill, an effort to clean up a mountain of debilitating litigation, is atop the legislative calendar put together by Majority Leader Bill Frist (R-Tenn.).

People who know Specter rarely make the error of underestimating him. They are even less likely to do so following his performance in the past 12 months.

NEW MARKETS TAX CREDIT

Ms. SNOWE. Mr. President, I rise today to bring to my colleagues' attention a significant and exciting article that appeared in the Wednesday, January 25, 2006, edition of The New York Times entitled ''Luring Business Developers Into Low-Income Areas,'' as written by Ms. Lisa Chamberlain.

I believe my colleagues will be especially interested in this article because it explains how the new markets tax credit, NMTC, can create new jobs, and economic development, in the destitute rural and urban areas. I know that sincere Members of Congress, both Republicans and Democrats alike, recognize the credit's ability to transform communities and break the poverty cycle. From the beginning, the credit's power to help communities overcome poverty has garnered strong bipartisan support for the measure.

The new markets tax credit is unique among Federal antipoverty initiatives. Its innovative approach uses the Tax Code to encourage long-term capital investments in downtrodden communities identified by the census as historically plagued by high unemployment, low levels of private investment, and stifling poverty rates.

The credit provides a modest incentive—a 39-percent credit against Federal taxes over a 7-year period—to lure new private investments to struggling communities. For this credit, developers agree to invest in projects that benefit the community and undertake measures, like charging lower rents, to encourage these projects' success.

Over the next 10 years, private investors will dedicate over $15 billion in new money to poor urban and rural areas in order to revitalize, develop, and ultimately transform these impoverished, low-income communities. The program's rate of return, as measured by increased economic development and lower poverty rates, easily justifies its modest costs to the Treasury of $4.5 billion over 10 years.

The credit's greatest innovation is its ability to create partnerships between the public and private sector that encourage and cultivate investments within a diverse range of businesses and organizations. These investments propel growth by providing funding for small business startups, enable the expansion of manufacturing facilities, and the building of retail, mixed use, commercial and housing developments. The investments also provide communities with important services by creating childcare centers, employment training facilities, charter schools, and community health care centers.

I have seen the credit's ability to reenergize and save local economies in my home State of Maine. During the 1990s, Maine's Katahdin Forest region fell on hard times. One of the areas largest employers, the Great Northern Paper Company, struggled against depressed global paper prices and low financial returns associated with owning trees. Combined, these factors made it extremely difficult to raise the capital necessary to make the mill improvements needed to keep the company competitive and retain jobs.

Because of a $31.5 million NMTC investment made by Coastal Enterprises, a community development corporation based in Wiscasset, ME, two of Great Northern Paper Company's pulp and paper mills in the Katahdin Forest area were able to stay in business and modernize. This crucial investment resulted in the direct employment of 650 people.

The credit also made it possible for Coastal Enterprises to partner with The Nature Conservancy in a ground breaking arrangement to promote the twin goals of environmental protection and economic development. The credit enabled the Nature Conservancy to purchase 41,000 acres, of Great Northern Paper Company's 341,000-acre land base, that contain critical lake and stream watershed lands. As part of this deal, Great Northern Paper Company agreed to place a perpetual conservation easement on 200,000 of the remaining 300,000 acres they retained. These projects will benefit Maine's environment, and economy, for years to come.

These Maine examples represent a few of the innovative and revolutionary ways the new markets tax credit is being used nationwide to address local economic troubles. These projects ranges from smaller loans to help local business owners become more self-sufficient by purchasing their office space to larger ventures like developing a new aircraft repair facility.

Additionally, projects also work to address community deficiencies like the building of a much needed shopping center to transform a rundown, major transit stop. Such investments enable companies located in low-income communities to add jobs, provide more people with needed goods and services, and increase the strength of their local tax base and economies.

Competition among applicants for access to the new markets tax credit program is spurring the private sector to reach beyond the minimum requirements of the law in order to secure a tax credit allotment. According to the results of a May 2005 survey conducted by the New Markets Tax Credit Coalition, investors are targeting communities to develop projects with higher poverty and unemployment rates than the law requires. These private investors are also directing capital into low income areas faster rate than required by law.

The credit enables the public and private sectors to work together in a way that is truly transforming the Nation's most impoverished communities. Through these partnerships, investors are now deploying their capital in areas where before they never would have invested because the great risks kept flexible capital from being conventionally available in these depressed areas.

The credit is seen as one of the most hopeful ways to address the devastating effects of Hurricane Katrina and Rita on the Gulf States. We in Congress overwhelmingly recognized and supported the power of the credit by dedicating $1 billion dollars in additional funding to projects along the gulf coast financed by the NMTC. Many broken Gulf State communities desperately wait for the rebuilding, and renovation, projects the credit will provide.

As a bipartisan effort to continue the credit's great successes, I am pleased to join my colleague on the Senate Finance Committee, Senator ROCKEFELLER, in sponsoring S. 1800, the New Markets Tax Credit Reauthorization Act. A companion bill, H.R. 3987, has been introduced in the House of Representatives by Congressman RON LEWIS of Kentucky.

Our legislation extends the new markets tax credit through 2012. Under current law, the credit, which was enacted in December 2000 as part of the Community Renewal Tax Relief Act, will expire on December 31, 2007. I ask my colleagues to enthusiastically support this innovative and necessary legislation.

In addition to our legislation, the Senate version of the tax reconciliation measure, S. 2020, includes a 1-year extension of the new markets tax credit through 2008. I know that my respected colleagues, both Republicans and Democrats, support the extension of this important bipartisan provision because of its impressive results fighting entrenched poverty and unemployment. I urge my colleagues to strongly support keeping this provision in the final version of the tax bill.

The new markets tax credit is able to improve the physical infrastructure of low-income communities as well as the lives of its residents by harnessing the combined talents of the public and private sectors to create jobs, foster entrepreneurialism, construct facilities, conserve the environment, and even promote greater access to health

care and education. I hope my colleagues will join me assuring that the new markets tax credit program remains strong for the future.

I ask unanimous consent that Ms. Chamberlain's entire article be printed in the RECORD. I ask unanimous consent that this letter, showing the support of over 240 representatives of community development corporations and financial institutions for S. 1800, be printed in the RECORD.

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

[From The New York Times, Jan. 25, 2006]

LURING BUSINESS DEVELOPERS INTO LOW-INCOME AREAS

(By Lisa Chamberlain)

When the low-income housing tax credit was created in 1986, it took years for developers, investors and advocates to understand the program and to learn how to make the most use of it. Now it is one of the most important tools for low-income residential real estate, responsible for creating approximately 1.5 million units of affordable housing to date.

Advocates of a little-known development tool called new-market tax credits, the only federal tax credit program for commercial projects in low-income areas, believe the same thing is beginning to happen with commercial real estate. Efforts are already under way to reauthorize the program, which expires next year.

Enacted in December 2000, the new-market tax credit program is helping to create jobs and revitalize streets and even entire downtowns. Projects large and small that most financial specialists agree would never come to fruition otherwise are taking shape because of tax credits worth $500,000 to $150 million and even more.

For instance, the tax credits are currently financing the rebuilding of a butter manufacturing cooperative in New Ulm, MN, that was damaged in a fire. The loss of the cooperative put 130 people out of work, caused economic hardship for 400 family farms and indirectly affected hundreds more jobs in the low-income rural area.

Just south of the central business district in Grand Rapids, MI, is a nearly completed arts-related mixed-use redevelopment project in an area largely abandoned since the 1950's. Called Martineau Division-Oakes, the 12,000-square-foot commercial space is occupied by the art department of Calvin College and a cafe. There are also 23 spaces for artists to live and work in. Once the project got off the ground, the city committed $2 million to landscaping, repaving, new lighting, signage and sidewalk improvements in the development's neighborhood.

''It's a very flexible and powerful program,'' said Robert Poznanski, president of the New Markets Support Company, one of the main recipients of credits from the Treasury Department, which administers the program.

''It's driven by market forces. The federal government doesn't say, 'Use it for this type of business.' It can be used for commercial real estate, a charter school or a community center, as long as the application is competitive and the project is in a low-income area as identified by census tract data.''

Tax credits make riskier projects more viable by reducing the debt associated with development costs. Private investors pay less in taxes and the developer passes the savings on to the community by, for example, lowering rent per square foot.

The federal program will allocate up to $15 billion in tax credits to community development groups over seven years to make businesses or commercial real estate projects in low-income areas more attractive to private investors. Applicants vie for the credits, and so far the process has been highly competitive. In the first three rounds of allocation, beginning in 2003, demand for the credits has outpaced supply by 10 times, according to figures provided by the Treasury Department. Though the tax credits can be used for business development, the majority are used for commercial real estate because of the way the program is structured.

The most recent allocation was completed last fall, bringing the total disbursement to $8 billion to date. Recipients have five years to use the tax credits to attract private investment, or they are withdrawn and can be reissued elsewhere through 2014.

Dennis Sturtevant, president of Dwelling Place, a nonprofit community development organization, spearheaded the Martineau Division-Oakes project in Grand Rapids. The project used historic tax credits and other grants, in addition to new-market tax credits, to generate $2.2 million in equity from National City Bank.

''When you're talking about tough neighborhoods and all the costs associated with renovating dilapidated, obsolete buildings with lead and everything else,'' Mr. Sturtevant said, ''you need to combine all these resources to make it work.''

Sean P. Welsh, regional president of National City Bank, said: ''It required a lot of creativity. It's complicated, but it's really driving a lot of the urban redevelopment in this and other areas around the country.''

One deal that most everyone agrees would have never happened were it not for the tax credits is Plaza Verde in South Minneapolis. Formerly an abandoned building in a low-income Hispanic neighborhood, it is now a 43,000-square-foot business incubator, with locally owned retailing on the ground floor, office space on the second level and a theater company on the top floor.

JoAnna Hicks is the director of real estate for the Neighborhood Development Center, the nonprofit organization that spearheaded Plaza Verde. Even after expenses were deducted, including legal fees, new-market tax credits created almost $1 million in equity for a project that cost $4.2 million total.

''Because it's such a complicated financial tool, it's hard for small nonprofits to use,'' Ms. Hicks said. ''But now that we understand it better, we're able to apply it to other projects as well.''

Using another allocation of the tax credits, Ms. Hicks's organization has also undertaken the development of a nearly completed public market, called Midtown Global Market, a $17 million project that will be home to more than 60 vendors selling fresh and prepared foods, as well as handmade arts and crafts.

As the program has only begun to mature, larger projects are just getting under way. Bridgeport, CT, is undertaking a major redevelopment of its downtown, with approximately 25 percent of the financing coming from new-market tax credits. The total project is estimated to cost up to $150 million.

''If structured properly, it makes a real difference between a scary development and the deal not being done at all,'' said Kevin Gremse, director of the National Development Council, which provides financial advice and services to municipalities.

Mr. Gremse used his organization's new-market tax credit allocation to attract a New York City-based private developer, Eric Anderson of Urban Green Builders, to take on the task of reviving downtown Bridgeport, which has suffered years of decline.

Advocates are cautiously optimistic that the program will be reauthorized in 2007. Congress recently passed a bill to assist Gulf Coast states with rebuilding efforts after Hurricanes Rita and Katrina, which included $1 billion more for the new-market tax credit program geared toward that region.

''The fact that Congress expanded the program is a good sign,'' said Robert Rapoza, who manages the New Market Tax Credit Coalition, an advocacy organization pushing for the program's reauthorization. ''But we have work to do. This is a new tool and government-sponsored finance is relatively uncommon. We're continuing to put together data to strengthen our case.''

Of course, it helps to have banks advocating for the tax credit as well. As one of the more active players in the tax credit industry, Zachary Boyers, a senior vice president of U.S. Bank in St. Louis, closed more than 50 deals involving new-market tax credits in 2005 alone.

''The banking community is behind this,'' Mr. Boyers said. ''We are deeply involved in spreading the word. We are working on ways to quantify its impact, which is not easy to do. But other investors, including banks and large corporations, would confirm that they would never be investing in these projects without it.''

NEW MARKETS TAX CREDIT COALITION

DEAR SENATOR/REPRESENTATIVE: We are writing to you to indicate our support for the New Markets Tax Credit Reauthorization Act of 2005 (S. 1800 and H.R. 3957). This legislation extends the New Markets Tax Credit through 2012.

The New Markets Tax Credit was established in the Community Renewal Tax Relief Act of 2000. The purpose of the Credit is to increase private sector investment in low income communities by providing a modest federal tax incentive. There is ample evidence that the Credit is working to do just that.

Thus far, the Department of the Treasury has finalized allocations of $6 billion in Credits. After only two years, close to $3 billion in investments in low income communities have been made. These investments have resulted in the financing of projects in economically distressed urban and rural communities including:

Creation of the first new supermarket and shopping center in a low-income community in 30 years in Cleveland;

In Baltimore, economic revitalization and thousands of jobs in an urban community where past efforts foundered;

Development of a new facility for daycare and other community services that shows the potential to lead the way for other development in Chicago;

Business expansion, job creation and opportunity in rural Oklahoma;

Revitalization of the timber industry in northern Maine.

The New Markets Tax Credit has attracted a wide range of private sector investors including private financial institutions and insurance companies. A list of investors in New Markets Tax Credits includes Bank of America, Wachovia, GE Commercial and Industrial Finance, NationalCity Bank of Ohio, Spirit Bank of Bristow, Oklahoma and TD Banknorth in Maine.

The Credit has had an important impact on the lending practices of these institutions. For example, since gaining access to New Markets Tax Credits, GMAC Commercial Holding has increased its direct investments in low-income communities by more than 20%.

For these reasons, we support reauthorization of the New Markets Tax Credit. We urge your support for this important program.

Sincerely,

(Signed by 225 Signatories).

ENERGY AND NATURAL RESOURCES

Mr. BURNS. Mr. President, today I join Senators DOMENICI, BINGAMAN, TALENT and DORGAN in sponsorship of legislation instructing the Secretary of the Interior to develop an oil and gas leasing program for Lease Area 181, located 100 miles off the coast of Florida in the Gulf of Mexico.

As oil and natural gas prices continuously increase, many Americans, especially Montanans, are feeling the strain of increased prices for energy use in their homes and businesses. Montana ag producers are particularly hard hit because the costs of fuel and fertilizer have skyrocketed. While I strongly support the idea of renewable energies, it will take years of research and development before there are practicable and affordable alternatives to oil and natural gas. Development of the American-owned offshore Lease Area 181 would provide nearly 5 trillion cubic feet of natural gas as a near term solution for our country's growing energy needs. That amount would be enough to heat 5 million homes for 15 years.

In order to strengthen American energy security, it is our obligation to use our own domestic resources whenever we can. Offshore drilling has proven to be a safe, reliable, and valuable technology for oil and gas production. Lease Area 181 is a phenomenal resource, and time after time in energy committee hearings when we ask expert witnesses for their opinions on how to best stabilize and lower natural gas prices, the answer is, ''Open Lease Area 181.'' It is not the entire answer to our energy challenges, but it is an important step forward. I applaud the leadership of the chairman and ranking member of the Energy and Natural Resources Committee for acting on this important issue. Next, I hope we examine the potential for additional onshore resource development. I come from an energy producing state, and I can tell you, without reservation, that Montana stands ready to serve the energy needs of this country. We have oil, natural gas, more coal than any other state, and a great potential for wind energy.

I am confident that my fellow Senators will see the value in providing a supply of affordable energy from our domestic resources, and hope the Senate acts quickly on this important legislation.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, today, I 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.

On January 11, 2006 in Stuart, FL, two men allegedly beat and robbed John Sprunger, a mentally handicapped man for $150. Earl Shanks called his friend Raymond Lee Dawson to the home of the victim, after trying to get Sprunger to give him money. When Dawson entered the home, he pistol-whipped Sprunger, and, assisted by Shanks, got his wallet before both men left the trailer.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

RECOGNITION OF TOBEY SCHULE

Mr. BAUCUS. Mr. President, I rise today to recognize Mr. Tobey Schule, of Kalispell, MT, for his valuable testimony today before the Senate Finance Committee.

The Senate Finance Committee played a key role in enacting Medicare drug benefits. We must be diligent in overseeing their implementation. In 2003, after years of debate, Congress added prescription drug coverage to Medicare. I was proud to help pass that law. The law was not perfect. But it has the potential to do some good.

The Medicare drug bill has the potential to make prescription drugs available to millions who could not otherwise afford them. It has the potential to make drugs available that will lessen pain. It has the potential to save lives.

Unfortunately, the administration has implemented the new law poorly. After Congress passed the law, the Centers for Medicare and Medicaid Services—CMS—had the duty to ensure that Medicare drug benefits were up and running by January 1, 2006. I appreciate CMS's efforts to implement the new law. It is a huge task. CMS worked hard. But CMS's efforts have come up short, in two major areas.

First, CMS made the new drug benefit needlessly confusing.

As part of the new law, Congress passed a temporary drug discount card, available in 2004. The card was supposed to give temporary relief from high drug costs. Seniors of modest means were eligible for a $1,200 Federal subsidy for their drug purchases.

But most Medicare beneficiaries did not sign up for the drug card. Why? They were paralyzed by the choices. CMS approved 40 Medicare drug cards in my State of Montana alone. Instead of celebrating their choices, most seniors in my State decided not to sign up.

Less than a year later, CMS was approving drug plans for the new drug benefit. I urged CMS not to repeat the mistakes that they made with the drug card. I urged CMS to approve only plans meeting the highest standards.

But CMS repeated the mistakes of the drug card. CMS approved dozens of plans for participation in the new drug program. CMS approved more than 40 drug plans in Montana. I support choice, competition, and the free market. It is great that Americans can choose from hundreds of different models when buying a new car. But when people don't know what they are buying, choice can lead to confusion. That is particularly true of health care.

Ask elderly Americans whether they prefer a four-speed automatic or a five-speed manual, and they will probably choose the automatic. Ask them whether they prefer a drug plan with a four-tiered formulary to a plan with five, and they will probably look at you with a mixture of confusion and anger.

My second concern relates to the warnings that CMS ignored. Last year, I asked the independent Government Accountability Office to report on CMS's plans for seniors eligible for both Medicaid and Medicare. I asked: What were CMS's plans for seniors whose drug coverage was moving from Medicaid to Medicare? In December 2005, GAO reported that CMS's plans were insufficient to avoid big disruptions in coverage.

CMS disagreed. CMS said: ''[We have] worked diligently on the transition from Medicaid to Medicare drug coverage . . . and . . . these individuals will get effective, comprehensive prescription drug coverage . . . on January 1, 2006.''

That did not happen. GAO was right. Data systems failed. Pharmacists and States were stuck with the bill for copays that should never have been charged. And some vulnerable seniors left the pharmacy without the medicines that they needed.

Today the Finance Committee heard from Tobey Schule, an independent pharmacist from Kalispell, MT. Mr. Schule is one of thousands of pharmacists who have been burdened with the failed transition from Medicaid to Medicare. I will ask that his testimony from today's hearing be submitted in the CONGRESSIONAL RECORD, next to my remarks.

Last month, Secretary Leavitt and Doctor McClellan briefed members of this committee on problems implementing the new drug program. They outlined seven specific problems. And they outlined plans to fix them. I appreciate CMS's attempts to fix the problems. But some problems remain unsolved. Dr. McClellan, I look forward to hearing how and when CMS plans to fix the problems.

In addition to ensuring that the implementation flaws are fixed, Congress should also address the problem of confusion. We can do that by learning the lessons of Medigap. In 1980, Congress enacted amendments that I offered to fix marketing abuses and consumer confusion with Medigap. The reforms

required Medigap issuers to meet minimum standards and have minimum loss ratios.

Ten years later, Congress again took up Medigap reform, passing legislation to standardize Medigap policies. Ten different Medigap options would be offered, each with a basic set of benefits. This gave consumers an apples-to-apples comparison of Medigap coverage.

We should do the same with the new drug program. We should standardize the drug plans. We should make it easier for people to make good choices about which plan is best for them. I intend to introduce legislation to do just that.

I understand that the drug benefit is young. But I want this benefit to work. We simply cannot afford another round of confusion. We need broad participation. And that's not going to happen unless we make the program more accessible and understandable. I supported enactment of the Medicare drug benefit in 2003. I still support it. Health insurance needs to cover prescription drugs. But we need to make it work. And I look forward to hearing from our witnesses on how we can do so.

I thank Mr. Schule for taking time from his important work to tell the committee about his experiences with the new Medicare drug benefit.

Mr. President, I ask unanimous consent that Mr. Schule's testimony be printed in the RECORD.

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

Chairman GRASSLEY, Senator BAUCUS, members of the Committee, I appreciate the privilege and opportunity to speak about Medicare Part D and how it is affecting my patients and pharmacy.

I am the co-owner of a small independent pharmacy in Kalispell, Montana that was established in 1981. There are about 32,000 people in Kalispell and the surrounding areas; we are 200 miles from the state capitol in Helena. Our pharmacy employs two pharmacists, my son and me, and two pharmacy technicians. There are five senior apartment buildings within three blocks of the pharmacy, and we serve primarily geriatric patients. In addition, we provide weekly medication box exchange for three assisted living facilities and the mental health center in our community. About ninety percent of our walk-in patients are elderly.

Medicare Part D has become a major factor in my pharmacy. I contracted with every company offering drug plans in Montana, so I could continue to serve my patients. I would like to address my concerns with this new benefit, in the following four areas: confusion among patients and pharmacists, education and outreach, coverage of dual-eligibles, and burden on pharmacists.

The implementation of Part D has caused confusion and frustration for my patients. And it has caused confusion and frustration for me. This program doesn't need to be so complicated.

The frustration and confusion for my patients began last summer, when they started receiving information from insurance companies offering Medicare Part D coverage. With over 40 plans to choose from in Montana, my patients said they were scared and intimidated by all of the options. Many of my patients were not fortunate enough to have a family member help them through the process of deciding which plan was best for them. I work with the elderly every day, and this has been overwhelming for them. Bewildered by the complexity, some patients are choosing not to enroll.

Those patients who could make sense of the Medicare mailings faced new obstacles. They were instructed to check the internet to see if the coverage was appropriate for their individual situation. I question this approach, since the vast majority of my elderly patients do not have computers and cannot use the internet. Access to the information through the 1–800 Medicare number was not much better. The phone systems are automated, and many of my elderly patients are unable to navigate through them. Others had the ability to use the phone system but gave up because of long hold times.

Despite this enormous confusion, there were few opportunities for Kalispell patients and pharmacists to get answers. Several meetings were sponsored by the state of Montana, by insurance companies and by senior citizen advocates to help the elderly make their choices and explain Medicare Part D. After attending these sessions, many patients came back to my pharmacy saying they were even more confused. Patients received different answers from different people. They had trouble understanding the literature that they received, and felt a lawyer was necessary to make heads or tails out of it.

On top of this complexity, elderly patients feared they would select the wrong plan. At educational events, patients were instructed to focus on the formularies and pick one that had their medications on the list. But patients found only some of their drugs listed on formularies, requiring patients to choose between medications.

Education for pharmacists wasn't much better. I heard of only one event sponsored by CMS to educate pharmacists, and that was in Billings, nearly 500 miles from my store. I could not attend this meeting, although I did send a pharmacy technician to a local educational event sponsored by an insurance counselor. This seminar did not help us serve our patients enrolling in Part D. But it did help us understand why our patients were so frustrated.

With little information coming from CMS or the insurance plans, I relied on my drug wholesaler to learn how to handle patient in Part D. For instance, in mid-December I called my software vendor to ask how I would determine patients' Part D drug coverage. It was only through this call that I learned about the E–1 transaction, which shows patient plan eligibility. I now use this system many times a day when trying to figure out a patient's coverage, but I had to learn about it on my own.

Over the last few weeks, drug plans have been my only source of information describing the administrative procedures that I must follow to provide drugs and submit claims. But this information is often incomplete. I recently received a notice that patients enrolling in Part D in late January wouldn't be in the system on February 1st. So the problems we heard about at the beginning of January are happening again.

Many of my patients have both Medicaid and Medicare. These ''dual-eligibles'' were automatically enrolled into the new drug plans as their drug coverage was shifted from Medicaid to Medicare. Unfortunately, these plans did not always meet patients' medical needs. I found many patients' medications were not covered by their plans.

Further complicating matters, information systems did not recognize these patients as dually-eligible. They could not afford the high co-pays that the system said they should be charged. I handled each patient on a case-by-case basis, and it required a huge time commitment to sort out problems in drug plan data and information systems. Fortunately, we are a small pharmacy and we know all of our patients. So we were able to give them their medications on the spot. I cannot help but think of how many patients across the country must have gone without their medications. Now we are working through billing issues, trying to determine how we will be reimbursed.

I am very concerned for my patients because we are being forced to change their medications to match the formulary for their plan. By changing medication, I expect to see increases in physician visits, labs, and hospitalizations. This will increase costs to the program. Medicare should have a plan to track the costs associated with medication changes.

Some of the plans are offering the mail-order pharmacy, and I do not think that mail-order should even be an option for Medicare Part D. If patients are getting some medications from mail-order and others from local pharmacies there is no continuity of care. This lack of coordination between mail-order and bricks-and-mortar pharmacies increases the likelihood of adverse events and noncompliance. If a patient using mail-order pharmacy is hospitalized, it is very difficult for doctors at the hospital to get drug information when prescriptions are not filled locally. If patients need drug information about a medication and are using mail order, they must attempt to use automated phone systems. In contrast, local pharmacists are readily available to answer questions. The ordering process of mail-order is also difficult for the elderly. These patients have trouble remembering to order a medication before they run out, but if they order too soon the script will not be processed.

As a pharmacist I want to know how certain medications were picked for the formularies. An example is why is one plan using Zocor and another is using Lipitor. I would like to know why some formularies use a branded drug when a generic is available. This appears costly to the program.

As the program began on January 1st, it became apparent that the insurance companies were not prepared for the start. Patients had not received their cards or enrollment letters. When this documentation had been received, the information was often incomplete. Missing data included BIN numbers, group numbers, ID numbers and processor control numbers. When I tried to access through the E–1 system, patients would come back as not enrolled. I was not able to bill the appropriate plan.

We have spent a tremendous amount of time on the phones with the different companies getting patient billing information or prior authorization to fill. We have been on hold to talk to a representative for as long as four hours before we were able to get through. In other cases, we were simply disconnected after hours on the phone. This is unacceptable.

Drug plans are sending out lists of the pharmacies associated with their plan. While I have contracted with every plan offered in Montana, my pharmacy is not on every company's list. As a result, several of my patients have come in very upset because they think they will have to change pharmacies. I tell my patients that I can fill for them even though I am not on the list. Insurance companies should not send only a partial list of in-network pharmacies. It should be all or nothing. Also, I think that it is totally unacceptable for the drug plans to co-brand patient insurance cards with Wal-Mart, Walgreens, or other chain drug stores. It is

confusing to the patient, leading them to think that they can only go to those pharmacies.

The insurance companies have created problems on the business side of my practice. There is no ''negotiation'' between pharmacists and drug plans on reimbursement rates. If I am going to continue serving my patients, I am forced to accept the low rates offered by insurance companies. Plans are slow to pay claims, and my drug wholesaler requires that I pay for drugs much more quickly than the plans pay me. My pharmacy has over $45,000 in unpaid claims from Medicare Part D.

Pharmacist and pharmacy technician salaries are climbing because of the shortage of available personnel. I am not sure how long independent pharmacies will be able to stay in business with the low reimbursement rates.

I wish that before this program started on January 1st that Medicare and the insurance companies would have taken the time to truly consider the elderly. If the people setting up the program had thought about the needs of their own elderly parents, I am sure this plan would be different.

Chairman GRASSLEY, Senator BAUCUS and Members of the Committee, thank you again for inviting me to appear before you here today. I will now answer any questions you may have.

ADDITIONAL STATEMENTS

RECOGNITION OF THE CALIFORNIA TEAMSTERS HISPANIC CAUCUS

• Mrs. BOXER. Mr. President, I rise to recognize the important work and accomplishments of the California Teamsters Hispanic Caucus. I am also pleased to commend International Brotherhood of Teamsters, IBT, General President James P. Hoffa, and General Secretary-Treasurer C. Thomas Keegel for their continued support of the California Teamsters Hispanic Caucus's efforts in awarding educational scholarships and conducting community improvement and community education programs.

The California Teamsters Hispanic Caucus, formed in 1989 as a nonprofit organization, has experienced phenomenal growth and success. Since the Hispanic Caucus' early beginnings, membership has grown to include more than 250 active members. The support that the caucus has provided to its members has also grown throughout the years. In nearly two decades of service, the Hispanic Caucus has increased the number of its educational scholarships from 3 to nearly 20 and has distributed more than $200,000.

Both General President Hoffa and General Secretary-Treasurer Keegel have shown tremendous support for the California Teamsters Hispanic Caucus through their involvement in increasing the availability of educational scholarship funding and participation in annual Hispanic Caucus events. Their work, in combination with the fine work of the Hispanic Caucus, has allowed the children of Teamsters to continue their education and pursue their dreams.

I invite all of my colleagues to join me in commending the California Teamsters Hispanic Caucus, International Brotherhood of Teamsters General President James P. Hoffa and General Secretary-Treasurer C. Thomas Keegel for their continued support for education, for strong communities, and for all working people.•

IN MEMORIAM OF CORETTA SCOTT KING

• Mr. CARPER. Mr. President, I rise today to honor the life of Coretta Scott King, who peacefully left this world on Monday, January 30, 2006, at the age of 78.

Coretta Scott King was born on April 27, 1927, in Marion, AL, during a time of great social injustice. Despite the many barriers that society had placed in front of her, she refused to let hate and prejudice stand in the way of her dreams. She was valedictorian of her graduating class at Lincoln High School and went on to receive a B.A. in music and education from Antioch College in Yellow Springs, OH. She also earned a degree in voice and violin at Boston University's New England Conservatory of Music. It was during this time that she met Martin Luther King, Jr., who was then studying for his doctorate in systematic theology at Boston University. They married on June 18, 1953, and began their lives together in Montgomery, AL.

As Dr. Martin Luther King, Jr., began his civil rights work, Mrs. King worked closely with him by organizing marches and arranging sit-ins at segregated restaurants to draw attention to the unfairness of Jim Crow laws. She also played a central role behind the scenes of many of the major civil rights campaigns of the 1950s and 1960s. She was by her husband's side when he received the Nobel Peace Prize in 1964 and walked by his side during the infamous march from Selma to Montgomery in 1965 that eventually led to the passage of the Voting Rights Act. Mrs. King also performed in ''Freedom Concerts'' where she would sing songs and read poetry to help raise money for the Southern Christian Leadership Conference, the organization that Dr. King led during the civil rights movement.

Following her husband's death on April 4, 1968, Mrs. King demonstrated remarkable strength and courage by continuing the struggle to bring equality to all Americans. She established the Atlanta-based Martin Luther King, Jr. Center for Nonviolent Social Change as a living memorial to her husband and his dream of social equality. During the 1980s, Mrs. King participated in a series of sit-in protests to highlight the inequality of South Africa's racial policies.

Mrs. King also led the campaign to establish Dr. King's birthday as a national holiday. In 1983, Congress instituted the Martin Luther King, Jr. Federal Holiday Commission, which she chaired during its duration. And on January 20, 1986, the Nation celebrated the first Martin Luther King, Jr. Federal holiday.

Mrs. King has received honorary doctorates from more than 60 colleges and universities, has authored three books and has served on, and helped found, dozens of organizations including the Black Leadership Forum, the National Black Coalition for Voter Participation, and the Black Leadership Roundtable.

I rise today to celebrate the life and accomplishments of Mrs. Coretta Scott King. As wife, mother, social activist, musician, and author, she used her words and actions to spread the message of racial equality and justice throughout the world. I hope that her vision, as well as the vision of her late husband, Dr. Martin Luther King, Jr., will continue to live on in all of us through our work and our deeds.•

A TRIBUTE TO GEORGE WEEKS

• Mr. LEVIN. Mr. President, for the past 22 years, George Weeks' column for the Detroit News has been required reading for anyone interested in Michigan politics. It has been the gold standard for fair, insightful commentary, and I am proud to have known and worked with George over these years. Our mornings—and our public life—won't be the same without him.

George Weeks' life and career have been spent in service to the people of Michigan. In a journalism career that took him to Lansing, MI; to Washington, DC; and around the world, George Weeks always put his responsibility to his readers first. And although we are honoring him today for his legendary accomplishments as a reporter and columnist, George also served his State as chief of staff to Governor William Milliken and his country in the U.S. Army.

In his work as a political columnist, it has seemed at times that George knows everything that is happening or has ever happened in Michigan. He reports on which candidate wowed the crowd—or otherwise—at a recent dinner, what issues are resonating with voters, and who he thinks has the right stuff to go all the way—or the other kind of stuff. His column is a treasure trove of political information. And not only does he have great information, he is also able to put it into perspective. George has a deep knowledge of history. He has written a history of Michigan through the lens of its governors as well as several works on Michigan's Native Americans. Although I admire his trove of knowledge, I do wish he would quit reminding me—and his readers—of how many years I have served in the Senate, a metaphor for the aging process.

George has earned both the loyalty of his readers and the respect and admiration of those he covers. His approach is impartial, issue-oriented, and assumes good faith on the part of public figures. He starts from a belief that public officials of both parties are motivated

mostly by good intentions, not petty politics. He takes the view that politicians are like other people—no better and no worse—and that public service is a worthy calling. We in public life are grateful for that, believe me.

It is a great loss that George is retiring from the News because we need that attitude now more than ever. In recent years, there has been a coarsening of political life. These are meaner streets these days, with more personal attacks and sharp edges. With his civility and his moderation, George has been in the vanguard of smoothing out those rough edges.

In his farewell column, George referred to me as his ''most-interviewed Senator.'' That is a distinction I will wear with honor, and I want to thank him for the professional way he has treated our conversations. George is a man of his word, whom you can talk to with confidence that he will get the story straight and whom you can talk to in confidence from time to time as well. I don't know if George is counting in his tally our informal chats, including annually at the Cherry Festival in his beloved Traverse City. But I do know that I have come to look forward to those talks, and I still will.

Thank you, George Weeks, for your years of service and for your magnificent, ongoing career.●

AWARD FOR EXCELLENCE IN EDUCATION

LORING COMMUNITY SCHOOL, MINNEAPOLIS, MINNESOTA

● Mr. DAYTON. Mr. President, I rise today to honor Loring Community School, in Minneapolis, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Loring Community School is truly a model of educational success. This neighborhood elementary school, which educates children in kindergarten through fifth grade, is named for the distinguished Charles M. Loring, father of the Minneapolis Park System and first president of the Park Board.

Loring Community School prepares children for lifelong learning in a respectful environment that nurtures their growth into knowledgeable, skilled, responsible, and confident citizens capable of succeeding personally as well as professionally. The school is 45 percent African American, 29 percent white, and 22 percent Asian. Seventy-two percent of the children are from low-income families.

The school's success is firmly rooted in basic community values. Each child is treated like an important person, in the classroom and in the school, which sets high standards and expectations for all children, in order to foster growth academically, socially, and personally. Loring School also emphasizes the importance of family involvement, to encourage the educational success of their children.

Loring School goes well beyond the basics, offering a number of enrichment programs, including accelerated math and reading programs, a Math Master competition, a science fair, an art fair, band, and a fifth grade environmental camping experience. A special feature is the student-run radio station, KBEM Radio. All Loring pupils have opportunities to participate in dance, music, theater, and visual art enrichment programs.

Much of the credit for Loring School's success belongs to its principal, Jane Thompson, and her dedicated teachers. The children and staff at Loring School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Loring School should be very proud of their accomplishments.

I congratulate Loring Community School in Minneapolis, MN, for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

HERMANTOWN PUBLIC SCHOOLS, HERMANTOWN, MINNESOTA

● Mr. DAYTON. Mr. President, I rise today to honor Hermantown Public Schools, in Hermantown, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

The Hermantown Public School District is truly a model of educational success. Mr. Brad Johnson, superintendent of Hermantown Public Schools, was hired last summer to lead the district. Upon his arrival in July, he was greatly impressed that the community demonstrated such strong support for education and such tremendous pride in its schools.

The success of Hermantown Public Schools is evidenced by the large number of students from surrounding districts who have enrolled. The schools have a waiting list of additional families that would like to enroll. Further, 95 percent of the parents of students at Hermantown participate in parent-teacher conferences.

Much of the credit for Hermantown Public Schools' success belongs to its superintendent, Brad Johnson, its principals, Lois Backscheider, Dave Radovich, and Dennis Nelson, and their dedicated teachers. The students and staff at Hermantown Public Schools understand that, in order to be successful, a school must go beyond achieving academic success; it must provide a nurturing environment where students can develop knowledge, skills, and attitudes for a lifetime of success. All of the faculty, staff, and students at Hermantown Public Schools should be very proud of their accomplishments.

I congratulate Hermantown Public Schools in Hermantown, MN, for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

BAY VIEW ELEMENTARY SCHOOL, PROCTOR, MINNESOTA

● Mr. DAYTON. Mr. President, I rise today to honor Bay View Elementary School, in Proctor, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Bay View Elementary School, a neighborhood school for 450 pupils in kindergarten through fifth grade, is truly a model of educational success.

Earlier this year, in their campaign to raise money to construct a boardwalk through their school's greatly prized forest, Bay View pupils collected 2,000 box tops. With the proceeds from the box tops, they were able to purchase $200 worth of lumber for the boardwalk. When someone absconded with the lumber, however, the children were not foiled by the theft; instead, turning a challenge into an opportunity, Bay View fifth-graders staged a publicity event and held placards urging the thieves to return the ill-gotten lumber. Their skillful tactic, combined with newspaper stories describing how hard the students worked to raise the money, generated an outpouring of community support. Over $5,000 in contributions from citizens and corporations streamed in; not only that, but the lumber was returned.

Bay View's school forest, which merited such avid initiative, truly offers an academic highlight, serving as an active, environmental learning laboratory for children in all grades. In January, I toured the forest and saw for myself its many opportunities for hands-on learning. Last summer, eight Bay View teachers used their own personal staff development days to take part in an Audubon Center training program, learning to integrate environmental education into their daily lessons.

Two other notable features are Bay View's artist-in-residence program and its student-run television studio, which affords opportunities to learn live-television production skills through a local, public access television production and broadcast studio. Students' daily news broadcasts are televised in classrooms throughout the school.

Much of the credit for Bay View Elementary School's success belongs to its Principal, Jon Larson, and his dedicated teachers. The children and staff at Bay View Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and children at Bay View Elementary School should be very proud of their accomplishments.

I congratulate Bay View Elementary School in Proctor, Minnesota, for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

TRANSMITTING, CONSISTENT WITH THE OFFICE OF NATIONAL DRUG CONTROL REAUTHORIZATION ACT OF 1998 (21 U.S.C. 1705), THE 2006 NATIONAL DRUG CONTROL STRATEGY—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am pleased to transmit the 2006 National Drug Control Strategy prepared by my Administration, consistent with the Office of National Drug Control Reauthorization Act of 1998 (21 U.S.C. 1705).

Four years ago, my Administration issued its first National Drug Control Strategy. That Strategy set out an ambitious, balanced plan to reduce drug use in our Nation. Since 2001, drug use by 8th, 10th, and 12th graders has dropped by 19 percent, translating to nearly 700,000 fewer young people using drugs.

I appreciate the support the Congress has given for previous Strategies. I look forward to your continued support as we work together on this critical endeavor.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 8, 2006*.

REPORT RELATIVE TO BLOCKING PROPERTY OF CERTAIN PERSONS CONTRIBUTING TO THE CONFLICT IN CÔTE D'IVOIRE—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631 (NEA), I hereby report that I have issued an Executive Order (the ''order'') blocking the property of certain persons contributing to the conflict in Côte d'Ivoire. In that order, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by that conflict, as described below.

The United Nations Security Council, in Resolution 1572 of November 15, 2004, expressed deep concern over the resumption of hostilities in Côte d'Ivoire, the public incitement of hatred and violence, and the repeated violations of the ceasefire agreement of May 3, 2003. United Nations Security Council Resolution (UNSCR) 1572 determined that the situation in Côte d'Ivoire poses a threat to international peace and security in the region and called on member States to take certain measures against persons responsible for the continuing conflict. The United Nations Security Council has continued to express serious concern at the persistence of the crisis in Côte d'Ivoire and of obstacles to the peace and national reconciliation process from all sides in UNSCRs 1643 of December 15, 2005, and 1652 of January 24, 2006.

Despite the intervention and efforts of the international community, there have been massacres of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and attacks against international peacekeeping forces in Côte d'Ivoire. Such activity includes the killing of large numbers of civilians in Korhogo in June 2004, and in Abidjan in March 2004; significant violence and unrest, including public incitements to violence, in Abidjan in November 2004; human rights violations, including extrajudicial killings, in western Côte d'Ivoire in April and June 2005; attacks on a police station and prison in July 2005 in Anyama and Agboville, and violent protests in Abidjan and attacks on U.N. and international nongovernmental organization facilities in western Côte d'Ivoire in January 2006. Also, notwithstanding the Linas-Marcoussis Agreement signed by the Ivorian political forces on January 24, 2003, the related ceasefire agreement of May 3, 2003, the Accra III Agreement of July 30, 2004, the Pretoria Agreement of April 6, 2005, and the Declaration on the Implementation of the Pretoria Agreement of June 29, 2005, consolidating the implementation of the Linas-Marcoussis peace and national reconciliation process, Ivorian parties have continued to engage in military operations and attacks against peacekeeping forces in Côte d'Ivoire leading to fatalities.

Pursuant to the IEEPA and the NEA, I have determined that these actions and circumstances constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and declared a national emergency to deal with that threat and have issued an Executive Order to deal with the threat to U.S. national security and foreign policy posed by the situation in or in relation to Côte d'Ivoire.

The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, after consultation with the Secretary of State, to constitute a threat to the peace and national reconciliation process in Côte d'Ivoire, such as by blocking the implementation of the Linas-Marcoussis, Accra III, and Pretoria Agreements; to be responsible for serious violations of international law in Côte d'Ivoire; to have directly or indirectly supplied, sold or transferred to Côte d'Ivoire arms or any related materiel or any assistance, advice, or training related to military activities; or to have publicly incited violence and hatred contributing to the conflict in Côte d'Ivoire.

The designation criteria will be applied in accordance with applicable domestic law, including where appropriate, the First Amendment to the United States Constitution.

The order also authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking any person determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities listed above or any person listed in or designated pursuant to the order. I further authorized the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking any person determined to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to the order. The Secretary of the Treasury, after consultation with the Secretary of State, is also authorized to remove any persons from the Annex to the order as circumstances warrant.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by the IEEPA and the United Nations Participation Act, as may be necessary to carry out the purposes of the order. All executive agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, became effective at 12:01 a.m. eastern standard time on February 8, 2006.

GEORGE W. BUSH.

The White House, *February 8, 2006*.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4636. An act to enact the technical and conforming amendments necessary to implement the Federal Deposit Insurance Reform Act of 2005, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

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–5604. A communication from the Executive Director, National Capital Planning Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2005 Competitive Sourcing Report and planned competitions for Fiscal Year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–5605. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 8B for Fiscal Years 2003 Through 2005, as of March 31, 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–5606. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–250, ''Washington Convention Center Authority Advisory Committee Continuity Second Temporary Amendment Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5607. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–251, ''New Columbia Community Land Trust 22nd and Channing Streets, N.E. Tax Exemption Temporary Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5608. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–252, ''Tenant Evictions Temporary Amendment Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5609. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–253, ''DC–USA Economic Development Temporary Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5610. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–264, ''Library Enhancement, Assessment, and Development Amendment Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5611. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–265, ''Domestic Partnership Equality Amendment Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5612. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–266, ''Terrorism Prevention in Hazardous Materials Transportation Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5613. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–267, ''Nuisance Abatement Reform Amendment Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5614. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–268, ''Health Care Benefits Expansion Amendment Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5615. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–269, ''Office of Administrative Hearings Term Amendment Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5616. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–270, ''Parkside Terrace Economic Development Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5617. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–271, ''Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Temporary Amendment Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5618. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–272, ''Contracting and Procurement Reform Task Force Establishment Temporary Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5619. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–273, ''Uniform Mediation Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5620. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–274, ''Low-Emissions Motor Vehicle Tax Exemption Temporary Amendment Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5621. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–275, ''Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5622. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–276, ''Department of Health Functions Clarification Amendment Act of 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–5623. A communication from the Assistance Secretary of Defense (International Security Policy), transmitting, pursuant to law, a report entitled ''Cooperative Threat Reduction Annual Report to Congress Fiscal Year 2007''; to the Committee on Armed Services.

EC–5624. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a report relative to H.R. 1400, the ''Securing Aircraft Cockpits Against Lasers Act of 2006''; to the Committee on the Judiciary.

EC–5625. A communication from the Counsel for Legislation and Regulations, Office of the Chief Procurement Officer, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Amendments to HUD Acquisition Regulation (HUDAR)'' ((RIN2535–AA27) (FR–5010–F–01)) received on February 7, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–5626. A communication from the Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Work Activity of Persons Working as Members of Advisory Committees Established Under the Federal Advisory Committee Act'' (RIN0960–AG07) received on February 7, 2006; to the Committee on Finance.

EC–5627. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Escrow Funds and Other Similar Funds'' ((RIN1545–AR82) (TD9249)) received on February 7, 2006; to the Committee on Finance.

EC–5628. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement of Rules Adopting a Reasonable Cause Standard for Section 1503(d) Filings'' (Notice 2006–13) received on February 7, 2006; to the Committee on Finance.

EC–5629. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Redemption Bogus Optional Basis Tax Shelter'' (UIL NO: 9300.42–00) received on February 7, 2006; to the Committee on Finance.

EC–5630. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Residence Rules Involving U.S. Possessions'' ((RIN1545–BC86) (TD9248)) received on February 7, 2006; to the Committee on Finance.

EC–5631. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: Renewal Community Depreciation Provisions'' (Rev. Proc. 2006–16) received on February 7, 2006; to the Committee on Finance.

EC–5632. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tentative Recomputed Differential Earnings Rate for 2004 under section 809'' (Notice 2006–18) received on February 7, 2006; to the Committee on Finance.

EC–5633. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Safe Harbor Date for Charitable Remainder Trusts in the Case of Spousal Election Rights'' (Notice 2006–15) received on February 7, 2006; to the Committee on Finance.

EC–5634. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled

''Medicare and Medicaid Programs; Requirements for Long Term Care Facilities; Nursing Services; Posting of Nurse Staffing Information'' (RIN0938–AM55) received on February 8, 2006; to the Committee on Finance.

EC–5635. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Agency's proposed fiscal year 2007 budget; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5636. 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 ''Boscalid; Pesticide Tolerance'' (FRL No. 7757–9) received on February 7, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5637. A communication from the Executive Director, Commodities Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Parts 36, 37, 38, 39 and 40, Technical and Clarifying Amendments to Rules for Exempt Markets, Derivatives Transaction Execution Facilities and Designated Contract Markets, and Procedural Changes for Derivatives Clearing Organization Registration Applications'' (RIN3038–AC23) received on February 7, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5638. A communication from the Executive Director, Commodities Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 30, Foreign Futures and Options Transactions (70 FR 75934, December 22, 2005)'' received on February 7, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5639. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Black Stem Rust; Movement Restrictions and Addition of Rust-Restraint Varieties'' (Doc. No. 04–003–2) received on February 7, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5640. A communication from the Chief, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cottonseed Payment Program'' (RIN0560–AH29) received on February 7, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5641. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increased Assessment Rate'' (Docket No. FV06–905–1 IFR) received on February 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5642. A communication from the Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Labor, transmitting, pursuant to law, the Department's final report on the National Emergency with respect to the suspension of the Davis-Bacon Act in response to Hurricane Katrina; to the Committee on Health, Education, Labor, and Pensions.

EC–5643. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a report relative to budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–5644. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Prohibited Transaction Exemption 84–24 (PTE 84–24) For Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, Investment Companies and Investment Company Principal Underwriters'' (Exemption Application D–11069) received on February 7, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–5645. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Prohibited Transaction Exemption (PTE) 75–1, Exemptions from Prohibitions Respecting Certain Classes of Transactions Involving Employee Benefit Plans and Certain Broker-Dealers, Reporting Dealers and Banks'' (Exemption Application D–11184) received on February 7, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–5646. A communication from the Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Uniformed Services Employment and Reemployment Rights Act of 1994'' (RIN1293–AA09) received on February 7, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–5647. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures, Reports and Order'' (Doc. No. 05–211) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5648. A communication from the Secretary of Communication, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Reporting Requirements Under Section 8 of the Clayton Act'' received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5649. A communication from the Secretary of Communication, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Notice Announcing 2006 Adjusted Thresholds for Clayton Act 7A'' (RIN3084–AA91) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5650. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Shorter, Orrville, Selma, and Birmingham, Alabama)'' (Doc. No. 04–201) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5651. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ringwood, Oklahoma and Taos Pueblo, New Mexico)'' (Doc. No. 04–201) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5652. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Randsburg, California and Mooreland, Oklahoma)'' (Doc. No. 04–201) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5653. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lovelady, Texas and Oil City, Louisiana); Reclassification of License of FM Station KYKS, Lufkin, Texas'' (Doc. No. 05–36 and 37) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Oxygen; Direct Final Rule Withdrawal'' ((RIN2120–AAI65)(2006–0002)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (61)'' ((RIN2120–AA65)(2006–0004)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 120, 120ER, 120FC, 120QC, and 120RT Airplanes'' ((RIN2120–AA64)(2006–0012)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aerospatiale Model ATRE 42–200, ATR42–300, and ATR42–320 Airplanes'' ((RIN2120–AA64)(2006–0013)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A320–111 Airplanes, and Model A320–200 Series Airplanes; Correction'' ((RIN2120–AA64)(2006–0014)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empressa Brasileira de Aeronautica SA Model EMB 135 Airplanes and Model EMB 145, 145ER, 145MR, 145LR, 145XR, and 145EP Airplanes'' ((RIN2120–AA64) (2006–0015)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Model 390, Premier 1 Airplanes'' ((RIN2120–AA64) (2006–0017)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa Model SZD 50–3 ''Puchacz'' Gliders'' ((RIN2120–AA64) (2006–0018)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Shadin ADC Air Data Computers'' ((RIN2120–AA64) (2006–0019)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5663. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Arctic Village, AK'' ((RIN2120–AA66) (2006–0003)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5664. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace, San Luis Obispo, CA'' ((RIN2120–AA66) (2006–0004)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5665. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Nenana, AK'' ((RIN2120–AA66) (2006–0005)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5666. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Norton Sound Low Offshore Airspace Area, AK'' ((RIN2120–AA66) (2006–0006)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5667. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Nilolai, AK'' ((RIN2120–AA66) (2006–0007)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5668. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Kennett, MO'' ((RIN2120–AA66) (2006–0008)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5669. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Egegik, AK'' ((RIN2120–AA66) (2006–0009)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5670. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Hillsboro, TX'' ((RIN2120–AA66) (2006–0010)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5671. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Wenatchee, WA'' ((RIN2120–AA66) (2006–0011)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5672. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (2)'' ((RIN2120–AA65) (2006–0005)) received on February 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5673. A communication from the Assistant Administrator for Fisheries, Department of Commerce, and the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting jointly, the 2005 Biennial Report on Atlantic Striped Bass Studies; to the Committee on Commerce, Science, and Transportation.

EC–5674. A communication from the Acting Chairman, National Transportation Safety Board, transmitting, pursuant to law, a Report on the Fiscal Year 2007 Budget Estimates; to the Committee on Commerce, Science, and Transportation.

EC–5675. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Act with respect to Armenia, Azerbaijan, Georgia, Ukraine, Kyrgyzstan, and Tajikistan; to the Committee on Foreign Relations.

EC–5676. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Act with respect to both the Russian Federation and Uzbekistan during fiscal year 2006; to the Committee on Foreign Relations.

EC–5677. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC–5678. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, (8) reports on current vacancies in covered positions within the State Department; to the Committee on Foreign Relations.

EC–5679. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Extension of Waiver of Section 907 of the FREEDOM Support Act With Respect to Assistance to the Government of Azerbaijan; to the Committee on Foreign Relations.

EC–5680. A communication from the Executive Secretary and Chief of Staff, U. S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received February 7, 2006; to the Committee on Foreign Relations.

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 Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DORGAN, Ms. SNOWE, Mr. BINGAMAN, Mr. CHAFEE, Mrs. CLINTON, Mr. SCHUMER, Mrs. MURRAY, and Mrs. BOXER):

S. 2255. A bill to amend title XVIII of the Social Security Act to prohibit removal of covered part D drugs from a prescription drug plan formulary during the plan year once an individual has enrolled in the plan; to the Committee on Finance.

By Mr. BURNS:

S. 2256. A bill to amend the Communications Act of 1934 to ensure the availability to all Americans of high-quality, advanced telecommunications and broadband services, technologies, and networks at just, reasonable, and affordable rates, and to establish a permanent mechanism to guarantee specific, sufficient, and predictable support for the preservation and advancement of universal service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. OBAMA (for himself, Ms. LANDRIEU, Mr. DURBIN, and Mr. KERRY):

S. 2257. A bill to provide for an enhanced refundable credit for families who resided in the Hurricane Katrina disaster area on August 28, 2005; to the Committee on Finance.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 2258. A bill to amend the Tennessee Valley Authority Act of 1933 to increase the membership of the Board of Directors and require that each State in the service area of the Tennessee Valley Authority be represented by at least 1 member; to the Committee on Environment and Public Works.

By Mr. OBAMA:

S. 2259. A bill to establish an Office of Public Integrity in the Congress and a Congressional Ethics Enforcement Commission; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 2260. A bill to amend titles XVIII and XIX of the Social Security Act to make improvements to payments to Medicare Advantage plans and to reinstate protections in the Medicaid program for working families, their children, and the disabled against excessive out-of-pocket costs, inadequate benefits, and health care coverage loss; to the Committee on Finance.

By Mr. OBAMA:

S. 2261. A bill to provide transparency and integrity in the earmark process; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. ENZI, and Mr. KENNEDY):

S. Res. 370. A resolution honoring the sacrifice and courage of the 16 coal miners killed in various mine disasters in West Virginia, and recognizing the rescue crews for their outstanding efforts in the aftermath of the tragedies; considered and agreed to.

By Mr. FRIST:

S. Con. Res. 80. A concurrent resolution relating to the enrollment of S. 1932; considered and agreed to.

ADDITIONAL COSPONSORS

S. 267

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 843, a bill to amend the Public

Health Service Act to combat autism through research, screening, intervention and education.

S. 854

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 854, a bill to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes.

S. 1109

At the request of Mr. LOTT, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Colorado (Mr. SALAZAR), the Senator from California (Mrs. BOXER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1109, a bill to amend title XVIII of the Social Security Act to provide payments to Medicare ambulance suppliers of the full cost of furnishing such services, to provide payments to rural ambulance providers and suppliers to account for the cost of serving areas with low population density, and for other purposes.

S. 1200

At the request of Mr. BUNNING, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1200, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1408

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1408, a bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft.

S. 1791

At the request of Mr. SMITH, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Maine (Ms. COLLINS) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1841

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 2010

At the request of Mr. HATCH, the names of the Senator from New York (Mr. SCHUMER), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New York (Mrs. CLINTON) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2019

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2019, a bill to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

S. 2178

At the request of Mr. SCHUMER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2235

At the request of Mr. SCHUMER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2235, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of 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.

S. CON. RES. 69

At the request of Mr. ISAKSON, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Con. Res. 69, a concurrent resolution supporting the goals and ideals of a Day of Hearts, Congenital Heart Defect Day in order to increase awareness about congenital heart defects, and for other purposes.

S. RES. 313

At the request of Ms. CANTWELL, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Missouri (Mr. TALENT) were added as cosponsors 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. 320

At the request of Mr. ENSIGN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 359

At the request of Mr. DODD, his name was added as a cosponsor of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

S. RES. 365

At the request of Mr. LOTT, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 365, a resolution to provide a 60 vote point of order against out-of-scope material in conference reports and open the process of earmarks in the Senate.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DORGAN, Ms. SNOWE, Mr. BINGAMAN, Mr. CHAFEE, Mrs. CLINTON, Mr. SCHUMER, Mrs. MURRAY, and Mrs. BOXER):

S. 2255. A bill to amend title XVII of the Social Security Act to prohibit removal of covered part D drugs from a prescription drug plan formulary during the plan once an individual has enrolled in the plan; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, today I am introducing legislation along with Senators COLLINS, DORGAN, SNOWE, BINGAMAN, CHAFEE, CLINTON, SCHUMER, MURRAY and BOXER to ensure that when a senior signs up for a Medicare prescription drug plan, the drugs covered by their plan cannot be removed or changed throughout that year.

Under the legislation, if you sign up for a plan in January, the drugs covered by your plan will continue to be covered the rest of that year.

If you become eligible for Medicare during the year, for instance you turn 65 in May, and you sign up for a plan, the drugs covered by your plan when you enroll in it will continue to be covered the rest of that year.

At the end of the year, if a plan wants to change its coverage, it can do that. The bill does nothing to prevent plans from changing their drug coverage for the coming year. However, that can only happen at the end of the year, at the time all Medicare beneficiaries have the option to switch plans.

Seniors deserve the peace of mind to know that the drug plan they enroll in will cover the drugs it says it will all year.

Under current law, a prescription drug plan can change its formulary as many times as it wants throughout the year so long as it gives notice to its enrollees.

However, seniors have no recourse other than going through a lengthy appeals process if their drug plan suddenly drops their medicines. At the end of that appeals process, there is still no guarantee that seniors will get their drugs.

Under current law, they have to wait until the next open enrollment period which may be as much as nine months away. That is unacceptable.

Seniors can't and shouldn't have to wait all year to obtain lifesaving and life sustaining drugs they thought would be covered by their drug plan.

The bill allows a prescription drug plan to add drugs to its formulary—for instance in cases where a new drug is approved by the FDA or a generic alternative to a brand name drug becomes available.

The bill also allows a prescription drug plan to remove a drug from its formulary if the FDA issues a clinical warning about the drug, if the FDA pulls a drug from the market like in the case of Vioxx, or if the drug has been determined to be ineffective.

But, in those instances, the prescription drug plan must notify the HHS Secretary, affected enrollees, physicians, and pharmacies of the change.

Seniors in California have an overwhelming array of prescription drug plan options. There are at least 110 drug plan options for Californians.

It can take days, if not weeks to determine which plan is best based on your drug needs and health status.

Unless this bill is approved, seniors have no guarantee that their drugs will be covered throughout the year.

I think that is wrong. This legislation will change that.

Some might argue why this bill is necessary now. We are one month into the new Medicare drug benefit and what we have witnessed throughout the Nation is widespread confusion. Seniors are being turned away at the pharmacy counters and they are being incorrectly asked to pay hundreds of dollars for their drugs.

States are absorbing the costs to provide drugs for a Federal program. So far, California has spent more than $18 million of its own money. I support efforts to reimburse States fully for the drug costs they've absorbed as a result of implementation errors by this Administration and I support transitional relief for the so-called ''dual eligible'' Medicare beneficiaries whose transition from Medicaid to Medicare has been disastrous.

The Administration contends that this legislation isn't necessary because plans can't change their formularies without notifying the Centers for Medicare and Medicaid Services (CMS) and enrollees first and that CMS won't allow plans to make changes to their formularies that hurt seniors.

This ''just trust us'' argument being used by the Administration is anything but reassuring, especially given all the major program implementation problems it has caused due to poor planning and inadequate foresight.

I believe seniors deserve more and they deserve the protections guaranteed under this legislation.

We must act now to protect all Medicare beneficiaries from the type of ''bait and switch'' tactics like signing up for a plan thinking you were getting certain drugs only to find out down the road that those drugs were no longer covered.

The bill is about parity for seniors. If seniors are prohibited from changing drug plans except during the annual open enrollment period, then they deserve to know that the plan they are locked in to is also locked in to covering the drugs it said it would.

I urge my colleagues to support this legislation.

Mr. DORGAN. Mr. President, I am pleased to join Senators FEINSTEIN, COLLINS and a number of my other colleagues to introduce the Medicare Drug Formulary Protection Act of 2006. This legislation will improve the new Medicare prescription drug benefit by preventing prescription drug plans from unexpectedly dropping coverage of prescription drugs that were covered when seniors enrolled in the plan.

Although seniors enrolled in the new Medicare drug program are only able to change their health plans once a year, nothing prevents insurers from dropping drugs from their plans on a whim. Under current law, prescription drug plans can change which drugs they cover as long as they provide 60 days notice to their enrollees.

It is difficult enough for seniors to navigate the confusion and complexity the Administration has built into the Medicare prescription drug benefit. They ought to be able to do so secure in the knowledge that once they have picked a plan, the plan will not change on them midstream. Seniors need the protection and certainty this legislation extends to them.

I had some hopes for this new Medicare plan, but it has become a complete and utter mess. In North Dakota, we have 41 different plans being offered by 17 different companies, and we have the highest percentage of senior citizens in the nation with no prescription drug coverage.

In North Dakota, 68 percent of seniors still do not have prescription drug coverage. With the sign-up period nearly one-third over, only 9,000 seniors in North Dakota have voluntarily signed up for the program. More than 70,000 seniors still lack coverage.

Other States in the northern Great Plains region are not far behind. Fully 67 percent of South Dakota seniors have no prescription drug coverage and in Montana 65 percent lack coverage. Wyoming also ranks high, with 61 percent of its seniors without prescription drug coverage.

I have asked Secretary Leavitt to dispatch a survey team to North Dakota and neighboring States to determine why enrollment rates in the new Medicare prescription drug program are among the lowest in the nation in our region of the country.

In the meantime, we need to enact the Medicare Drug Formulary Protection Act and other commonsense reforms like the Medicare Informed Choice Act and the Medicare State Recovery Act.

The Medicare Informed Choice Act would extend the enrollment deadline until December 31, 2006. We need to enact this legislation right away. Seniors need more time to evaluate their options. Extending the enrollment deadline will also give Congress time to address some of the problems that have kept more seniors from enrolling in the benefit.

The Medicare State Recovery Act will ensure States are reimbursed for the cost of prescriptions for low-income seniors and people with disabilities who were improperly denied coverage under Medicare.

I want this new benefit to work. That is why I urge my colleagues to support these efforts to improve the benefit and make it less confusing for seniors.

By Mr. BURNS:

S. 2256. A bill to amend the Communications Act of 1934 to ensure the availability to all Americans of high-quality, advanced telecommunications and broadband services, technologies, and networks at just, reasonable, and affordable rates, and to establish a permanent mechanism to guarantee specific, sufficient, and predictable support for the preservation and advancement of universal service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Mr. President, this is a special day to those of us who serve on the Commerce Committee and have served on the Commerce Committee ever since we have been in the Senate because today is the 10th anniversary of the Telecom Act of 1996. I want to talk about a bill I am introducing today as the Internet and Universal Service Act of 1996, or the NetUSA, if you will.

When I first came here and went to work, I was very much interested in telecommunications. The big reason is in my State of Montana we have only 900,000 people but we have 148,000 square miles. I remind my colleagues, if you drew a straight line from Yaak, MT, to Alzada, MT, it is farther than it is from Chicago to Washington, DC.

So we went to work in telecommunications for the simple reason we had to do something about distances, and we did. But it took almost 6 or 7 years before we came up with a bill that overhauled the old Telco Act of 1935. What we were trying to do is deal with the 1990s technology with a 1930 law and we found it almost impossible to do, so the whole act had to be rewritten.

Since the Telecom Act, the only thing that is certain is change. With change, several trends have emerged, including the development of new technologies, industry consolidation and convergence, and product bundling.

The pace of technological change has been astounding. We have a plethora of new technologies including WiFi and WiMAX, and all new words in telecommunications—wireless Internet access, voice over Internet protocol, which we refer to now as VOIP, the

telephone service using the Internet and broadband over powerline—BPL—for Internet access via electrical lines.

While the Telecom Act promised industry and technology convergence, only recently is it materializing—with telephone, cable, and wireless companies invading one another's turf. Cable companies are offering television service over the Internet, telephone companies are offering video services over their facilities. New technologies have brought consumers a variety of choices for local, long distance, video, wireless, and Internet services, and many companies are offering bundled services.

The radical transformation of the industry has led some to call for a complete rewrite to the Telecom Act. Central issues in the debate today are the reform of the Universal Service Fund—the USF, reform of intercarrier compensation, franchising issues for video providers, and net neutrality are some among a whole host of other challenges.

As Congress begins working to rewrite the telecom laws, my central focus will be encouraging broadband deployment in every corner of the U.S. and preserving and improving universal service. Broadband deployment is more vital now than ever before, and it is a key to our future. In the 21st century, how do we compete against workers who work in economies of scale and their salaries are a little bit less than ours? We ensure that U.S. workers can obtain broadband services at affordable prices no matter where they live in this great country.

The GAO recently agreed, recommending the Government make more broadband infrastructure investments to improve the U.S. workforce's human capital and skill level. I think the President talked much about this in his State of the Union.

Technology provides a greater chance to live where you want and hold a good job. If a community does not have broadband, it is at a huge competitive disadvantage. It is just that simple.

Even though the technologies were developed in the United States, we still lag behind other countries in the deployment of broadband. We need to provide incentives for companies to continue to expand their broadband facilities and to ensure all Americans have access to the Internet, regardless of where they live—particularly since, although Internet penetration has grown in rural communities, a gap still exists between them and the suburban and urban communities.

One way I will provide such incentive is to continue my support of universal service, although it may take a little bit different direction in the distribution. The nearly 100-year commitment Congress and this Nation have had to USF has been indispensable in providing the same opportunities for rural America to participate in the Nation's education and health care systems that exist for Americans in urban areas, and for every American to participate fully in the Internet economy.

Just as rural electrification in the 1930s led to the surge in economic growth and raised the living standards across rural America, universal service plays the same role in the Internet era. We didn't get electricity on my farm until early in the 1950s. I can remember when you used to go to town and that electricity seemed like a pretty special thing. Had not the Government created the REC, or the rural electrics, I contend that out on the farm we would still be watching television by candlelight.

Without universal service support, phone bills in rural areas across the country, such as Montana, would increase dramatically. Universal service also helps to ensure that schools and libraries receive access to the Internet at rates they can afford. Because of universal service, the Internet now reaches almost all school-age children, no matter where they live. Universal service helped link rural health facilities to urban medical centers, promoting telemedicine. My State of Montana is on the cutting edge of that. Many people in remote communities would not have access to health care just using the Internet. The all-important issue in Montana is where these counties do not even have a doctor. I have 13 counties that have no physician.

For those who say universal service no longer makes sense, or that it should be repealed or scaled back, I encourage them to visit my State and see the fund in action. As one official from a carrier serving a remote corner of Alaska recently commented, universal service is ''more than a line item on a bill. . . . [It] provides a link to the outside world.''

That is not to say that changes do not need to be made in universal service. They do need to be made. It is a different world. Technologies are different and we must respond. As the length of time that new technologies emerge shortens, we must be able to deal with them. As consumers switch to new technologies such as wireless service, e-mail, voice over IP, universal service is slowly taking in less money every year. Therein lies the problem.

At the same time, the amount of money we disburse is increasing. This situation is obviously not sustainable, nor is it acceptable to Congress.

Additionally, we need to ensure the universal service is distributed where it is needed. The Senator from Alabama understands universal service and the impact it has on rural Alabama. In revising universal service to adapt to the changing technology landscape, it is essential to maintain the commitment levels to universal service programs to foster the continued availability of telecom and advanced services in rural communities, and to strengthen and improve the overall fund.

My proposed legislation will speed up deployment of broadband in rural areas and preserve and improve universal service.

Some things my bill seeks to do are to ensure that companies that receive universal service funds will invest in deployed broadband services; to ensure that universal service support contributions are assessed in a fair and competitively neutral manner; ensuring the integrity of the Schools and Libraries Program to deter waste, fraud, and abuse by strengthening the FCC's management and oversight, including imposing sanctions on applicants or vendors who repeatedly and knowingly violate the rules. That is what my bill does, in part. Lastly, improving the effectiveness of rural health care programs. It is unbelievable what we can do for rural health care when we can move massive amounts of information.

I look forward to working with my colleagues to craft creative solutions to these issues that are so vital to our Nation's future. It is the 10th anniversary. It took us almost 50 years—in fact, a little over 50 years, to change the act in 1996. This time, we had to act a little bit quicker because emerging technologies wait for no man. They are there, they are being used, and we must deal with them as they emerge.

I thank the Senator from Alabama for allowing me this little time and I look forward to working with my colleagues on the passage of the universal bill in this body.

I yield the floor.

By Mr. OBAMA (for himself, Ms. LANDRIEU, Mr. DURBIN, and Mr. KERRY):

S. 2257. A bill to provide for an enhanced refundable credit for families who resided in the Hurricane Katrina disaster area on August 28, 2005; to the Committee on Finance.

Mr. OBAMA. Mr. President, I rise today to introduce the Hurricane Katrina Working Family Tax Relief Act of 2006. I am proud to introduce this bill, along with Senators LANDRIEU, DURBIN, and KERRY, to keep a promise the President made to rebuild the Gulf Coast in the wake of Hurricane Katrina. Last week the Senate approved a $70 billion bill laden with tax cuts for the wealthy and well-connected. This bill, which costs less than 1 percent as much, uses a proven tool in our tax code—the child tax credit—to extend aid to low-income working families affected by Hurricane Katrina.

Currently, the child credit allows families with qualifying children to receive a credit of $1,000 per child against their Federal income tax. Unfortunately, families that earn less than $11,000 get no benefit from the refundable child credit. That means that a child is left out of the credit even if her parent works full time at minimum wage, which has not increased since 1997. And the child doesn't get the full benefit of the $1,000 credit until her parent earns close to $18,000, or even more if the child has siblings. And if her parents' income does not keep up with inflation, for any reason, the

value of the credit drops or even disappears.

We all know of the devastation wrought by Hurricane Katrina. It will be a long time before families on the Gulf Coast can rebuild their lives. Many of them have seen their homes destroyed, their jobs eliminated, their families separated, and their lives irrevocably changed. Unfortunately, the Federal response so far has been inadequate to get these families effectively back on their feet. We are now learning of thousands of evacuees getting kicked out of their hotel rooms because FEMA has stopped paying the bills.

We can do better for these families. Life was hard for many of them even before Katrina hit. Prior to the hurricane, there were over 2 million people living below poverty in the affected States. In some of the affected counties and parishes, more than 1 in 4 children lived below the poverty level.

In Louisiana, Mississippi, and Alabama, for example, more than 900,000 children under 17-years-old were so poor that they got no child tax credit or only a partial credit. These States had among the highest rates in the Nation of children too poor to get the full credit.

This bill will provide necessary assistance to many of these families. The bill eliminates the income threshold that excluded all children in families with less than $11,000 of income. With this bill, the children of low-income working parents affected by Hurricane Katrina will no longer be denied the child credit.

It's simple: if you work, your kids get a benefit. This bill provides a partial credit starting with the first dollar of a parent's income for families who lived in the areas affected by Hurricane Katrina. You work, your kids get a benefit. If you don't work, no benefit.

That's a commonsense way to support families with children, especially families that have experienced the huge cost—psychological and financial—of a natural disaster.

This bill is also narrowly tailored and fiscally responsible. It provides short-term support targeted at families affected by the hurricane, and its costs can easily be absorbed within the $97 billion already committed to hurricane relief.

I urge my colleagues to support this bill, which will enable hundreds of thousands of this country's most disadvantaged children to see an increase in their credit. Katrina offered a reminder of poverty in our own country. Let's not forget so quickly. We owe it to the American people to do something to provide a chance for our neediest children to rebuild their lives with dignity, hope, and opportunity.

By Mr. OBAMA:

S. 2259. A bill to establish an Office of Public Integrity in the Congress and a Congressional Ethics Enforcement Commission; to the Committee on Homeland Security and Governmental Affairs.

Mr. OBAMA. Mr. President, today, I am introducing new legislation to build on the excellent work my colleagues began with the Honest Leadership and Open Government Act.

That bill would close the revolving door between Capitol Hill and lobbying jobs. It would end all lobbyist-funded gifts, meals, and travel, and it would shine a bright light of monitoring and public disclosure on lobbyists' operations, secret conference committee negotiations and last-minute special-interest provisions.

These are important steps forward that should be approved by this Congress and signed into law. The first bill I am introducing now builds on these steps by focusing on enforcement. We can pass all the new ethics rules in the world, but if we don't establish a body that can monitor and enforce those rules, it'll be easy to break them.

My legislation will establish a nonpartisan, independent Congressional Ethics Enforcement Commission that would investigate ethics violations and report their findings to the public.

The idea of an independent Commission to conduct initial investigations is not new. It is modeled on successful efforts in a number of States including Kentucky, Florida, and Tennessee. Similar commissions in those States have a track record of working well and making the ethics enforcement process much more effective.

My commission would be staffed with former judges and former members of Congress, and it would allow any citizen to report a possible ethics violation by lawmakers, staff, or lobbyists. It would have the authority to conduct investigations, issue subpoenas, and provide public reports to the Senate Ethics Committee or Department of Justice so that any wrongdoing can be punished accordingly.

To prevent this Commission from being manipulated for partisan political purposes, the bill establishes stiff sanctions for the filing of frivolous complaints, and prohibits the filing of complaints three months before an election.

Although, the ultimate power to reprimand members would remain with the Ethics Committees in Congress and the Department of Justice, the new Congressional Ethics Enforcement Commission would make these bodies more effective by removing political pressure from the initial fact-finding phase of ethics investigations. In addition, the Commission's independent capacity to issue public findings would encourage the Ethics Committees to act.

I am proud that this legislation has support across the political spectrum, earning the endorsement of both Common Cause and Norm Ornstein of the American Enterprise Institute. Ornstein said this about my enforcement bill: ''This approach to ethics enforcement is just the kind of balanced and reasonable alternative we need. . . . It deserves strong bipartisan support.''

I strongly encourage my colleagues to join me in creating this Commission to restore credibility to the body on the enforcement of ethics.

I am also introducing legislation to build on the CLEAN UP Act (S. 2179) that I introduced last month.

The CLEAN UP Act was written to provide for greater transparency in the legislative process and in conference committees in particular. It has won the support of eight of my colleagues, and I hope the Transparency and Integrity in Earmarks Act that I am introducing today will gain their support, as well as the rest of my colleagues.

The Transparency and Integrity in Earmarks Act would require that information about all earmarks, including the name of the lawmaker requesting it and a justification of why they want it, be disclosed 72 hours before they are considered by the full Senate.

The bill would also place some common-sense limits on earmarks. Members would be prohibited from advocating for an earmark if they have a financial interest in the project or its recipient. Earmarks also could not be used to secure promises from lawmakers in exchange for a vote on a bill. Finally, earmark recipients would have to disclose the amount that they spent on lobbyists in order to get their project passed. These earmark reforms won't solve every abuse, but the idea is this: if you're proud enough about an earmark to issue a press release about it, then you should be able to defend it to the public.

Several of these ideas are contained in a bill introduced by Rep. David Obey. I am grateful for his leadership on this issue in the House.

I know this is not the only proposal on earmarks before the Senate. But I believe this combines the best ideas without creating procedural roadblocks to legitimate projects in our communities. This is a balanced approach that I believe a majority of the Senate can—and should—support. Thank you.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 370—HONORING THE SACRIFICE AND COURAGE OF THE 16 COAL MINERS KILLED IN VARIOUS MINE DISASTERS IN WEST VIRGINIA, AND RECOGNIZING THE RESCUE CREWS FOR THEIR OUTSTANDING EFFORTS IN THE AFTERMATH OF THE TRAGEDIES

Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. ENZI, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 370

Whereas coal generates more than half of domestic electricity, providing millions of Americans with energy for their homes and businesses;

Whereas West Virginia is the Nation's second largest coal producing State;

Whereas an average of 7,600 pounds of coal per person per year is used in the United States;

Whereas the United States has an estimated 275,000,000,000 tons of recoverable coal reserves representing about 95 percent of all fossil fuel reserves in the nation;

Whereas coal continues to be the economic engine for many communities;

Whereas coal miners are among the most productive of all American workers, producing 7 tons of coal per miner per day, which results in coal consistently being the most cost-effective choice for generating electricity in the United States;

Whereas during the last century over 100,000 coal miners have been killed in mining accidents in the Nation's coal mines;

Whereas the Nation is greatly indebted to coal miners for the difficult and dangerous work they perform to provide the fuel needed to operate the Nation's industries and to provide energy to homes and businesses;

Whereas 13 West Virginia miners were trapped 260 feet below the surface in the Sago mine for over 40 hours following an explosion on January 2, 2006;

Whereas Federal, State, and local rescue crews worked relentlessly in an attempt to save the miners;

Whereas many residents of Upshur County, West Virginia, and the surrounding areas came together at the Sago Baptist Church to support the miners' families;

Whereas 12 miners, Thomas Anderson, Alva Martin Bennett, Jim Bennett, Jerry Groves, George Hamner Jr., Terry Helms, David Lewis, Martin Toler, Fred Ware Jr., Jack Weaver, Jesse Jones, and Marshall Winans, lost their lives on January 3, 2006;

Whereas only one miner, Randal McCloy, was safely rescued;

Whereas 2 West Virginia miners were trapped by a fire in the Aracoma Alma Mine on January 19, 2006;

Whereas Don Israel Bragg and Ellery ''Elvis'' Hatfield lost their lives in the Aracoma Alma Mine;

Whereas 2 West Virginia miners lost their lives in separate incidents in Boone County on February 1, 2006; and

Whereas Edmund Vance perished in the Long Branch No. 18 Mine and Paul Moss perished at the Elk Run Black Castle mine:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Thomas Anderson, Alva Martin Bennett, Jim Bennett, Jerry Groves, George Hamner Jr., Terry Helms, David Lewis, Martin Toler, Fred Ware Jr., Jack Weaver, Jesse Jones, and Marshall Winans for their sacrifice in the Sago, West Virginia, coal mine;

(2) recognizes Don Israel Bragg and Ellery ''Elvis'' Hatfield for their sacrifice in the Aracoma Alma, West Virginia coal mine;

(3) extends the deepest condolences of the Nation to the families of these men;

(4) recognizes Edmund Vance and Paul Moss for their sacrifice in the Boone County, West Virginia coal mines;

(5) recognizes Randal McCloy for his stamina and courage that enabled him to survive in severe conditions for over 40 hours;

(6) recognizes the rescue crews for their outstanding effort resulting in the safe rescue of Randal McCloy; and

(7) recognizes the many volunteers who provided support for the miners' families during the rescue operations.

SENATE CONCURRENT RESOLUTION 80—RELATING TO THE ENROLLMENT OF S. 1932

Mr. FRIST submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 80

Resolved by the Senate (the House of Representatives concurring), That the enrollment of the bill S. 1932 as presented to the President for his signature on February 8, 2006, is deemed the true enrollment of the bill reflecting the intent of the Congress in enacting the bill into law.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2739. Mr. SESSIONS 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.

SA 2740. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2741. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2742. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2743. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2744. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2739. Mr. SESSIONS 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 364, insert before line 1, the following:

(4) LIMITATIONS ON ATTORNEY'S FEES AND APPLICATION OF MEDICAL CRITERIA.—

(A) ATTORNEY'S FEES.—

(i) DEFINITION.—In this subparagraph, the term ''reasonable fees and expenses of attorneys'' means fees and expenses that are based on prevailing market rates for the kind and quality of the services furnished, except that—

(I) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the United States Government; and

(II) attorney's fees shall not be awarded in excess of a reasonable fee, unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys, for the proceedings involved justifies a higher fee.

(ii) LIMITATION.—In any civil action described under paragraph (1)—

(I) the limitations on attorney's fees under section 104(e) shall apply; or

(II) a court may award reasonable fees and expenses of attorneys.

(B) MEDICAL CRITERIA.—In any civil action described under paragraph (1), the medical criteria under section 121(d) shall apply.

On page 364, line 1, strike ''(4)'' and insert ''(5)''.

On page 364, line 22, strike ''(5)'' and insert ''(6)''.

SA 2740. Mr. SESSIONS 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 364, before line 1, insert the following:

(4) MEDICAL CRITERIA FOR CLAIMS.—The medical criteria under section 121(d) shall apply to any civil action described under paragraph (1).

On page 364, line 1, strike ''(4)'' and insert ''(5)''.

On page 364, line 22, strike ''(5)'' and insert ''(6)''.

SA 2741. Mr. SESSIONS 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 364, insert before line 1, the following:

(4) LIMITATIONS ON ATTORNEY'S FEES.—

(A) LIMITATION.—In any civil action described under paragraph (1)—

(i) the limitations on attorney's fees under section 104(e) shall apply; or

(ii) a court may award reasonable fees and expenses of attorneys.

(B) DEFINITION.—In this paragraph, the term ''reasonable fees and expenses of attorneys'' means fees and expenses that are based on prevailing market rates for the kind and quality of the services furnished, except that—

(i) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the United States Government; and

(ii) attorney's fees shall not be awarded in excess of a reasonable fee, unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys, for the proceedings involved justifies a higher fee.

On page 364, line 1, strike ''(4)'' and insert ''(5)''.

On page 364, line 22, strike ''(5)'' and insert ''(6)''.

SA 2742. Mr. SESSIONS 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 315, line 22, strike ''monetary''.

SA 2743. Mr. SESSIONS 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 386, line 6, strike all through page 393, line 3.

SA 2744. Mr. SESSIONS 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 366, between lines 15 and 16, insert the following:

(c) APPLICATION OF THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.—Employers and their insurers who pay compensation or medical benefits or who are potentially liable to their employees and other beneficiaries for compensation or medical benefits under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) shall be entitled to—

(1) a lien for compensation and medical benefits paid; or

(2) credit, recovery, or release, as such remedies are available under section 33 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 933), except that such employers and insurers may not bring actions for such remedies against third parties as is prohibited under subsections (b) and (h) of section 33 of that Act.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold an informational hearing February 8, 2006 at 9:30 a.m. on pending nominations. Board of Directors of the Tennessee Valley Authority; Board of Trustees of the Morris K. Udall National Environmental Policy Foundation

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

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, February 8, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Implementation of the New Medicare Drug Benefit''.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 8, 2006, at 9:30 a.m. to hold a hearing on Iraq Stabilization and Reconstruction.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 8, 2006, at 4:30 p.m. to hold a hearing on Nominations.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CORNYN. Mr. PRESIDENT, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, February 8, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Tribes and the Federal Election Campaign Act. Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, February 8, 2006, at 2 p.m., to conduct a hearing to examine procedures to bring greater transparency to the legislative process.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 8, 2006 at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS, PRODUCT SAFETY, AND INSURANCE

Mr. CORNYN. Mr. PRESIDENT, I ask unanimous consent that the Subcommittee on Product Safety, and Insurance be authorized to meet on Wednesday, February 8, 2006, at 2:30 p.m., on Protecting Consumers' Phone Records.

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

PRIVILEGES OF THE FLOOR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the following Judiciary Committee interns and clerks be granted the privilege of the floor for the remainder of debate on S. 852, the Fairness in Asbestos Injury Resolution Act of 2005: Adam Adler, Jessica Kane, Robert Newell, and Raj Parekh.

The PRESIDING OFFICER. Without objection, so ordered.

EXECUTIVE SESSION

NOMINATION DISCHARGED

Mr. FRIST. As in executive session, I ask unanimous consent that Calendar No. 424, Roland Arnall, be referred to the Committee on Foreign Relations; I further ask consent that the committee then be immediately discharged from further consideration of the nomination and the Senate proceed to its consideration; provided further that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is, as follows:

DEPARTMENT OF STATE

Roland Arnall, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ENROLLMENT OF S. 1932

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 80, which was submitted earlier today, the resolution 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. 80) was considered and agreed to, as follows:

S. CON. RES. 80

Resolved by the Senate (the House of Representatives concurring), That the enrollment of the bill S. 1932 as presented to the President for his signature on February 8, 2006, is deemed the true enrollment of the bill reflecting the intent of the Congress in enacting the bill into law.

HONORING COAL MINERS AND RESCUE CREWS IN WEST VIRGINIA

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 370, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 370) honoring the sacrifice and courage of the 16 coal miners killed in various mine disasters in West Virginia, and recognizing the rescue crews for their outstanding efforts in the aftermath of the tragedies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, today, together with Senator ROCKEFELLER and the West Virginia delegation in the House, I have submitted a resolution honoring the 16 coal miners who perished this year in the State of West Virginia. They are: Tom Anderson, Alva Bennett, Jim Bennett, Jerry Groves, George Hamner, Jr., Terry Helms, Jesse Jones, David Lewis, Martin Toler, Jr., Fred Ware, Jackie Weaver, and Marshall Winans who perished in the Sago Mine in Upshur County, WV.

They are Don Bragg and Ellery Hatfield who perished in the Aracoma Alma Mine in Logan County, WV.

They are Paul Moss and Edmund Vance who perished in separate mines in Boone County, WV.

While the names of these coal miners have become known to many of us, we must not forget that there are many more coal miners whose tragic deaths are not chronicled in the national media. They die quietly in their homes of black lung disease. They die anonymously in mine accidents across the Nation. Their families mourn, their families grieve their loss without national attention.

I pay tribute to all of those who have fallen in our Nation's mines and to their families who must bear their loss. A grateful Nation owes its eternal thanks.

Mr. ROCKEFELLER. Mr. President, I wish to associate myself with the remarks of my distinguished senior senator, Mr. BYRD, and rise to ask my colleagues to take up and adopt our resolution honoring miners in West Virginia and throughout this country who work hard in dangerous situations to provide energy this Nation needs.

The attention of the world was focused on small towns in my State of West Virginia in the first two months of 2006. When 12 miners were found to have died in the Sago Mine in Upshur County in early January, the hopes and prayers of a global television audience were dashed along with those living the tragedy in the Sago Baptist Church.

Americans and our friends around the world tuned in again when miners became trapped by a belt fire in the Alma Mine in Logan County later in January. I was sitting with the families of the trapped miners when they heard the news we were all dreading. It was a profoundly sad and moving moment, one I will never forget, and an experience which I cannot do justice to here.

When tragedy struck again at two mines in Boone County it was almost more than any of us could bear. After these accidents, the Governor of my State of West Virginia, Joe Manchin, who has been a stalwart throughout these trying times, called for a temporary stand-down in West Virginia mines to reinforce and reinvigorate mine safety procedures. I was pleased to see that the Mine Safety and Health Administration, MSHA, came into West Virginia in numbers to assist State officials, and later instituted a 1-hour safety refresher for all U.S. mines under its authority. In Pennsylvania, Governor Rendell emulated Governor Manchin in calling for renewed safety training for mines throughout the Commonwealth.

Mining, as we know, is an inherently dangerous profession, but it is a vital component in our Nation's economy. Without coal from Appalachia, the Illinois Basin, the Powder River Basin, and various other regions throughout the U.S., our economy shuts down. Coal provides more than half our electricity, and coal conversion technologies will soon allow America's most abundant mineral resource to provide transportation fuels and chemical feedstocks as well. If the United States of America is ever going to lessen its dependence on foreign sources of energy, you can be sure that the miners will lead the way. These are men and women who do a job most Americans understand little about, and until tragedy periodically reminds the Nation, most Americans probably do not even think about. Coal production is increasing across the country and around the world. Coal is on the rise, and safety has to be, too.

Mine safety has been very much in the thoughts of every West Virginian these first two months of 2006. In 2005, West Virginia lost miners also, as did Alabama, Ohio, Wyoming, Pennsylvania, and Kentucky. Mr. President, 2006 has already seen mine fatalities in Kentucky and Utah. As these tragedies show, and as MSHA's nationwide action and Governor Rendell's actions in Pennsylvania suggest, mine safety is a national issue and improving it must be a national priority.

Mr. FRIST. 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 that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 370) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 370

Whereas coal generates more than half of domestic electricity, providing millions of Americans with energy for their homes and businesses;

Whereas West Virginia is the Nation's second largest coal producing State;

Whereas an average of 7,600 pounds of coal per person per year is used in the United States;

Whereas the United States has an estimated 275,000,000,000 tons of recoverable coal reserves representing about 95 percent of all fossil fuel reserves in the nation;

Whereas coal continues to be the economic engine for many communities;

Whereas coal miners are among the most productive of all American workers, producing 7 tons of coal per miner per day, which results in coal consistently being the most cost-effective choice for generating electricity in the United States;

Whereas during the last century over 100,000 coal miners have been killed in mining accidents in the Nation's coal mines;

Whereas the Nation is greatly indebted to coal miners for the difficult and dangerous work they perform to provide the fuel needed to operate the Nation's industries and to provide energy to homes and businesses;

Whereas 13 West Virginia miners were trapped 260 feet below the surface in the Sago mine for over 40 hours following an explosion on January 2, 2006;

Whereas Federal, State, and local rescue crews worked relentlessly in an attempt to save the miners;

Whereas many residents of Upshur County, West Virginia, and the surrounding areas came together at the Sago Baptist Church to support the miners' families;

Whereas 12 miners, Thomas Anderson, Alva Martin Bennett, Jim Bennett, Jerry Groves, George Hamner Jr., Terry Helms, David Lewis, Martin Toler, Fred Ware Jr., Jack Weaver, Jesse Jones, and Marshall Winans, lost their lives on January 3, 2006;

Whereas only one miner, Randal McCloy, was safely rescued;

Whereas 2 West Virginia miners were trapped by a fire in the Aracoma Alma Mine on January 19, 2006;

Whereas Don Israel Bragg and Ellery ''Elvis'' Hatfield lost their lives in the Aracoma Alma Mine;

Whereas 2 West Virginia miners lost their lives in separate incidents in Boone County on February 1, 2006; and

Whereas Edmund Vance perished in the Long Branch No. 18 Mine and Paul Moss perished at the Elk Run Black Castle mine:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Thomas Anderson, Alva Martin Bennett, Jim Bennett, Jerry Groves, George Hamner Jr., Terry Helms, David Lewis, Martin Toler, Fred Ware Jr., Jack Weaver, Jesse Jones, and Marshall Winans for their sacrifice in the Sago, West Virginia, coal mine;

(2) recognizes Don Israel Bragg and Ellery ''Elvis'' Hatfield for their sacrifice in the Aracoma Alma, West Virginia coal mine;

(3) extends the deepest condolences of the Nation to the families of these men;

(4) recognizes Edmund Vance and Paul Moss for their sacrifice in the Boone County, West Virginia coal mines;

(5) recognizes Randal McCloy for his stamina and courage that enabled him to survive in severe conditions for over 40 hours;

(6) recognizes the rescue crews for their outstanding effort resulting in the safe rescue of Randal McCloy; and

(7) recognizes the many volunteers who provided support for the miners' families during the rescue operations.

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I have been stating that we have been prepared to consider some of the additional nominations that are on the Executive Calendar and are available for consideration. There are a number of nominations being held up for one reason or another. But I am particularly concerned that a group of nominations is being held up for reasons unrelated to their qualifications or job responsibilities. We have several senior Department of Defense nominations and intelligence nominations that we need to consider.

We will begin the amendment process to the asbestos bill beginning tomorrow morning, and my intention is to see if we can schedule debate and votes on these nominations. If we are unable to do that, then I will file a cloture motion on the nomination, with that vote occurring Friday.

NOMINATION OF ERIC S. EDELMAN TO BE UNDER SECRETARY OF DEFENSE—MOTION TO PROCEED

Mr. FRIST. Mr. President, I ask unanimous consent that at 9:30 a.m. on Friday, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 309, Eric S. Edelman to be Under Secretary of Defense, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Mr. President, I understand that an objection would be put forward from the other side of the aisle.

Mr. President, I move that the Senate proceed to executive session for the consideration of Calendar No. 309.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Eric S. Edelman of Virginia to be Under Secretary of Defense for Policy.

Bill Frist, Mel Martinez, Jeff Sessions, John Thune, Arlen Specter, Larry E. Craig, David Vitter, Sam Brownback, Lisa Murkowski, Richard Shelby, Pat Roberts, Richard Burr, George Allen, Jim Talent, Judd Gregg, John Ensign.

LEGISLATIVE SESSION

Mr. FRIST. I ask unanimous consent that the Senate now resume legislative session.

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

ORDERS FOR THURSDAY, FEBRUARY 9, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, February 9. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee and the second 15 minutes under the control of the majority leader or his designee; further, that the Senate then resume consideration of S. 852, the asbestos bill.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will continue to debate S. 852, the asbestos bill. Amendments are in order, and I expect Members to come forward with their related amendments. We will be prepared to debate and vote in relation to the amendments. I hope we can make progress on the bill.

We have spent the last few days debating, which is important, but now is the time to work through the underlying issues in the bill before I expect votes to occur on Thursday. As I have stated repeatedly, Friday will be a working day, and we now have a cloture vote scheduled for Friday morning on a nomination.

I also hope that we can continue to move forward on the asbestos bill on Friday as well. We have 2 more days this week, and we need to make the most of that time. Senators should be prepared for busy days for the remainder of the week.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as Senator from South Carolina, I ask unanimous consent that the quorum call be dispensed with.

Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow morning.

Thereupon the Senate, at 7:53 p.m., adjourned until Thursday, February 9, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 8, 2006:

DEPARTMENT OF STATE

PATRICIA P. BRISTER, OF LOUISIANA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COMMISSION ON THE STATUS OF WOMEN OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

THE JUDICIARY

SANDRA SEGAL IKUTA, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE JAMES R. BROWNING, RETIRED.

MICHAEL BRUNSON WALLACE, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CHARLES W. PICKERING, SR., RETIRED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT R. BLACKMAN, JR., 0000

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

MICHAEL W. ALBERT, 0000
DAVID J. ALDOUS, 0000
LEONARD H. ALLEN, 0000
DAVID M. ALVAREZ, 0000
SAMUEL L. ALVORD, 0000
DAVID F. AMBOS, 0000
JASON K. APPLEBERRY, 0000
SEGUNDO J. ARGUDO, 0000
REGINALD I. BAIRD, 0000
RYAN A. BARONE, 0000
SCOTT P. BARTON, 0000
ANNE M. BECKER, 0000
ROBERT W. BILBO, 0000
MICHAEL L. BOWMAN, 0000
LANCE J. BRANT, 0000
RICHARD J. BURKE, 0000
VICTOR G. BUSKIRK, 0000
ANDRES CAMARGO, 0000
DONALD B. CAMPBELL, 0000
JAMES D. CANNON, 0000
CHRISTY S. CASEY, 0000
JUSTIN M. CASSELL, 0000
JOHN T. CATANZARO, 0000
ROBERT S. CLARKE, 0000
PAUL J. COLEMAN, 0000
JEFFREY M. COLLINS, 0000
ROSS E. COMER, 0000
CARLOS M. CRESPO, 0000
PAUL J. CROOKSHANK, 0000
MARTIN J. DIETSCH, 0000
BRIAN J. DONAHUE, 0000
WILLIAM R. DUNBAR, 0000
BRYAN L. DUNLAP, 0000
CHARLES ENGBRING, 0000
TOM ENGBRING, 0000
JAY S. FAIR, 0000
PAUL A. FAWCETT, 0000
KRYSTYON N. FINCH, 0000
JASON F. FRANK, 0000
FRANK A. FUSCO, 0000
CARLOS F. GAVILANES, 0000
GREG S. GEDEMER, 0000
AARON G. GREEN, 0000
CATHARINE D. GROSS, 0000
ANTHONY D. GUILD, 0000
MARK A. HAAG, 0000
CHRISTOPHER E. HALEY, 0000
JOY E. HALL, 0000
ROBERT P. HILL, 0000
FRANK L. HINSON, 0000
GILES C. HOBACK III, 0000
MATTHEW M. HOBBIE, 0000
ROBERT E. HOLLINGER, 0000
TIMOTHY D. HOWARD, 0000
THOMAS P. HRYNYSHYN, 0000
DONALD K. ISOM, 0000
JACK W. JACKSON, 0000
THOMAS A. JACOBSON, 0000
WESTON R. JAMES, 0000
DOUGLAS A. JANNUSCH, 0000
JOHN W. KASER, 0000
RICHARD J. KAVANAUGH, 0000
TONYA G. KELLEY, 0000
RAYMOND S. KINGSLEY, 0000
ANDREW C. KIRKPATRICK, 0000
SHAWN A. LANSING, 0000
PATRICK J. LEE, 0000
JOSEPH J. LEONARD, 0000
JOHN R. LUFF, 0000
EZEKIEL J. LYONS, 0000
RICHARD A. MACH, 0000
STEVEN D. MAHANY, 0000
ROBERT J. MANNING, 0000
CHARLES MARINO, 0000
RONAYDEE M. MARQUEZ, 0000
TIMOTHY R. MARTIN, 0000
STEPHEN MATADOBRA, 0000
JAMES J. MAZEL, 0000
BRIAN K. MCCAUL, 0000
JAMES M. MCLAY, 0000
KERRI W. MERKLIN, 0000
ROBERT A. MOOMAW, 0000
DAVID J. MOORE, 0000
FERDINAND MORALES, 0000
MICHAEL J. MUNNERLYN, 0000
JOHN R. NIMS, 0000
JESSICA E. NOEL, 0000
BRYAN K. ODITT, 0000
DAVID M. OTANI, 0000
HECTOR M. PACHECO, 0000
CHARLES N. PARHAM, 0000
MICHAEL L. PARKER, 0000
JEFFREY C. PETERSON, 0000
JOSE L. RAMIREZ, 0000
CHRISTIAN P. RIGNEY, 0000
JUSTO E. RIVERA, 0000
DAVID J. ROBERTS, 0000
RICHARD D. RUSSELL, 0000
PAUL T. SANGER, 0000
BRENT R. SCHMADEKE, 0000
WILLIAM A. SCHRADE, 0000
JOHN R. SCOTT, 0000
HEATHER D. SKOWRON, 0000
SAMUEL L. SLAY, 0000
BRADLEY J. SMITH, 0000
JASON S. SMITH, 0000
LAWRENCE W. SOHL, 0000
LANE A. SOLAK, 0000
GABRIEL J. SOMMA, 0000
LANE G. STEFFENHAGEN, 0000
THOMAS M. STOKES, 0000
JOHN R. STRASBURG, 0000
RODERICK A. STROUD, 0000
JONATHAN E. SULLIVAN, 0000
CAROL M. SWINSON, 0000
JOHN K. TITCHEN, 0000
TERRY R. TRELFORD, 0000
SHAUN T. VACCARO, 0000
THOMAS C. VAUGHN, 0000
STEPHEN E. WEST, 0000
TODD C. WIGGEN, 0000
CHARLES WOJACZYK, 0000
MARCUS P. WONG, 0000
MAURICE S. YORK, 0000
STEVEN M. YOUDE, 0000
JACOB A. ZALEWSKI, 0000
PETER J. ZAUNER, 0000
PETER E. ZOHIMSKY, 0000

To be lieutenant junior grade

REGINA E. ADAMS, 0000
JEREME M. ALTENDORF, 0000
WALNER W. ALVAREZ, 0000
JENNIFER J. ANDREW, 0000
EDWARD S. APONTE, 0000
MICHAEL P. ATTANASIO, 0000
GEOFFREY M. BARELA, 0000
ELLEN P. BATT, 0000
JAMES R. BENDLE, 0000
JEFFREY S. BOGDANOVICH, 0000
THOMAS R. BOLIN, 0000
JEFFREY M. BOLLING, 0000
BARNABY W. BOSANQUET, 0000
DEVON S. BRENNAN, 0000
COLLIN R. BRONSON, 0000
MELANIE A. BURNHAM, 0000
MATTHEW A. CALVERT, 0000
MANUEL B. CAMARGO, 0000
JAMES J. CAMP, 0000
TAYLOR J. CARLISLE, 0000
LUIS O. CARMONA, 0000
CHRISTOPHER L. CARTER, 0000
TIMOTHY S. CASARES, 0000
XOCHITL L. CASTANEDA, 0000
ERIC W. CHANG, 0000
DAVID M. COBURN, 0000
HARLAN J. COPELAND, 0000
TREVOR C. COWAN, 0000
ROBERT H. CREIGH, 0000
MICHAEL CROWE, 0000
DORAIN M. DAILEY, 0000
WILLY J. DASAL, 0000
ALI W. DAVIS, 0000
KELVIN J. DAVIS, 0000
JOHN F. DEWEY, 0000
ADAM H. DREWS, 0000
GLEN R. ENZFELDER, 0000
BRYAN M. ESTELL, 0000
KERRY A. FELTNER, 0000
ALAN J. FITZGERALD, 0000
ROBERT F. FITZGERALD, 0000
DAVID L. FLANDERS, 0000
ANGELIQUE FLOOD, 0000
JASON S. FRANZ, 0000
BRETT A. FREELS, 0000
TRACY D. FUNCK, 0000
MATTHEW A. GABBIANELLI, 0000
OSCAR R. GALVEZ, 0000
LISA L. GARCEZ, 0000
JOSEPH S. GIAMMANCO, 0000
ERIN K. GILSON, 0000
CHRISTOPHER L. GROOMS, 0000
DANIELLE R. HARTLEY, 0000
JAMES R. HERRERA, 0000
JASON D. HETHERINGTON, 0000
NEAL D. HINKEL, 0000
CRIST M. HOLVECK, 0000
JASON A. HOPKINS, 0000
KENNETH C. JONES, 0000
THOMAS D. JONES, 0000
LUANN J. KEHLENBACH, 0000
STEVEN A. KOCH, 0000
MATTHEW R. KOLODICA, 0000
DUANE W. LEMMON, 0000
PRESTON O. LOGAN, 0000
JEFFREY D. LYNCH, 0000
JONATHAN M. MANGUM, 0000
EZRA L. MANUEL, 0000
ARTHUR P. MARTIN, 0000
MATTHEW K. MATSUOKA, 0000
DOREEN MCCARTHY, 0000
KEVIN J. MCDONALD, 0000
STACY L. MCNEER, 0000
JOHN M. MCWILLIAMS, 0000
NATHAN S. MENEFEE, 0000
MATTHEW J. MESKUN, 0000
ANTHONY R. MIGLIORINI, 0000
DOUGLAS J. MILLER, 0000
ROBERT S. MORRIS, 0000
MERRIDITH R. MORRISON, 0000
ERNESTO MUNIZTIRADO, 0000
WALTER L. OUZTS, 0000
JOHN G. PETERSON, 0000
TODD P. PORTER, 0000
BEAU G. POWERS, 0000
KEVIN J. RAPP, 0000
JOSEPH R. RAYMOND, 0000
JEFFREY H. RUBINI, 0000
MICHAEL K. SAFFOLD, 0000
TANYA C. SAUNDERS, 0000
KAREY J. SAYRE, 0000
RAY A. SLAPKUNAS, 0000
ADAM C. SPENCER, 0000
JON D. STEWART, 0000
MARY W. STEWART, 0000
CALVIN SUMMERS, 0000
NICHOLAS J. TABORI, 0000
DANNY M. TCHENG, 0000
MIGUEL E. TORREZ, 0000
OTIS C. TRAVERS, 0000
DOUGLAS M. TRENT, 0000
KRISTOFER A. TSAIRIS, 0000
CHRISTOPHER B. TUCKEY, 0000
MATTHEW D. VANDERBECK, 0000
KOU VANG, 0000
KRAIG L. WASHINGTON, 0000
MATTHEW G. WEBER, 0000
JUSTIN L. WESTMILLER, 0000
KEVIN S. WILKINSON, 0000
SHAY R. WILLIAMS, 0000
TIMOTHY J. WILLIAMS, 0000
CHRISTOPHER WOLFER, 0000
JOHN D. WOOD, 0000
BRETT R. WORKMAN, 0000
WARREN N. WRIGHT, 0000
BEN WROBLEWSKI, 0000
DAMIAN N. YEMMA, 0000
CHRISTOPHER J. YOUNG, 0000

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, February 8, 2006:

DEPARTMENT OF STATE

ROLAND ARNALL, OF CALIFORNIA, TO BE AMBASSADOR TO THE KINGDOM OF THE NETHERLANDS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

ANNOUNCEMENT OF THE 2006 CONGRESS–BUNDESTAG/BUNDESRAT EXCHANGE

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. HASTERT. Mr. Speaker, since 1983, the U.S. Congress and the German Bundestag and Bundesrat have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and interact on issues of mutual interest.

A staff delegation from the U.S. Congress will be selected to visit Germany from May 21–June 3 of this year. During this two-week exchange, the delegation will attend meetings with Bundestag/Bundesrat Members, Bundestag and Bundesrat party staff members, and representatives of numerous political, business, academic, and media agencies. Participants also will be hosted by a Bundestag Member during a district visit.

A comparable delegation of German staff members will visit the United States for two weeks July 9–22. They will attend similar meetings here in Washington and visit the districts of Members of Congress. The U.S. delegation is expected to facilitate these meetings.

The Congress-Bundestag/Bundesrat Exchange is highly regarded in Germany and the United States, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. This exchange is funded by the U.S. Department of State's Bureau of Educational and Cultural Affairs.

The U.S. delegation should consist of experienced and accomplished Hill staff who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag reciprocates by sending senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to the United States and Germany such as, but not limited to, trade, security, the environment, economic development, health care, and other social policy issues. This year's delegation should be familiar with transatlantic relations within the context of recent world events.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag/Bundesrat staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staffers in their Member's district in July, or to arrange for such a visit to another Member's district.

Participants are selected by a committee composed of personnel from the Bureau of Educational and Cultural Affairs of the Department of State and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state their qualifications, the contributions they can make to a successful program and some assurances of their ability to participate during the time stated.

Applications may be sent to the Office of Interparliamentary Affairs, HB–28, the Capitol, by 5 p.m. on Wednesday, March 15.

2006 ACHIEVING CAO EXCELLENCE AWARDS

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. EHLERS. Mr. Speaker, I rise today to congratulate Rob von Gogh, Charlene Best, Ron Carrico, Chantel Greene, Matt Guilfoyle, and Tina Hanonu on their extraordinary achievements in the Office of the Chief Administrative Officer, (CAO) supporting the United States House of Representatives and their receipt of the 2006 Achieving CAO Excellence (ACE) Awards. The 2006 CAO ACE Excellence Awards acknowledge the extraordinary efforts made by these members of the CAO team. These awards exemplify the goals, values, and mission of the organization. Considered to be among the highest honors awarded to CAO staff, at the heart of these awards are customer service, commitment to delivery solutions, and high standards of excellence.

Recipients of the 2006 CAO ACE Excellence Awards represent many areas of the CAO and perform a variety of jobs. Whether working directly with customers, supporting CAO internal operations, or ensuring the technical infrastructure is operational, each serves as an exemplary role model for the entire CAO community. Collectively and individually they delivered solutions that fulfilled the CAO customer experience, ensuring full satisfaction for their customers and colleagues.

Employees nominated for an award must be in full-time status, have received at least one PACE evaluation, and have a current performance rating of excelling. Nominations for the awards are submitted by managers, supervisors, deputies and associate administrators. The nominees are then reviewed by a committee comprised of the head of each CAO business unit, the deputy CAO for operations, the deputy CAO for strategy, the administrative counsel, and other members of the CAO team.

Rob von Gogh was selected for the ''CAO Excellence'' award. In his role directing the CAO client services team and serving on the CAO leadership group, he has been a role model CAO employee who lives the CAO mission, vision, values, and delivers the CAO customer experience to all his customers, colleagues and employees.

Charlene Best is the 2006 recipient of the ''Knowledge'' award for being an employee who is dependable and gets things done across the organization by leveraging a wide range of CAO resources. Her ability to set-up and establish office space for the new House Historian in a seamless manner demonstrates her unique understanding of the House community.

Ron Carrico was chosen for the ''Personalized Solutions'' award. He developed a product for the CAO that met current needs and incorporated the structure for future integrations with other enterprise system solutions that are being developed in the CAO for the House Community, specifically: MicroStrategy 8, Administrative Tools, Links and Solutions—Atlas, Lawson and the Customer Solution Delivery Model. This solution will provide the capability to report ''near real time'' performance measures. His consistently passionate customer service, effective communication, and problem solving enable customers to meet their professional and personal roles.

Chantel Greene was selected for the ''Dedicated'' award for exhibiting commitment to achieving the mission of the CAO. Through adversity, Chantel was able to lead others, build consensus and live the CAO customer experience. Her positive attitude is an inspiration to others and it is the key to her success.

Matt Guilfoyle is the recipient of the ''One Team'' award. He is relentless in his efforts and commitment to developing the CAO customer experience. The essence of his hard work and dedication to bring the CAO together was evidenced in the success of CAOne. He consistently and significantly contributes to the CAO team as a whole, bringing the CAO customer experience to life.

Tina Hanonu was chosen for the ''Simplify the Day'' award. Her ability to improve CAO client services procedures during Hurricanes Katrina and Rita enabled the CAO to provide reassurance and sustain service for district offices affected by the hurricanes. Tina's energy, drive, and enthusiasm enabled the House Recovery Operations Center to support and achieve results during such demanding times.

On behalf of the entire House community, I extend congratulations to Rob von Gogh, Charlene Best, Ron Carrico, Chantel Greene, Matt Guilfoyle, and Tina Hanonu for their tireless efforts and outstanding contributions to the U.S. House of Representatives. We wish them continued success in their job endeavors.

HONORING WLTL: A RADIO STATION OWNED BY ILLINOIS DISTRICT 204 AND OPERATED BY THE STUDENTS OF LYONS TOWNSHIP HIGH SCHOOL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor WLTL, the radio station operated by the students of Lyons Township High School.

WLTL is a noncommercial radio station located at Lyons Township High School in LaGrange, IL approximately 15 miles west of the Chicago Loop. The radio station is owned by Illinois School District 204 and is operated by the students of Lyons Township High School. For more than 100 years, LTHS has exhibited its motto of Vita Plena or the quest for the fulfilling life by servicing students from more than 10 communities.

The radio station was first established in 1922. However, it was not officially recognized until January 5, 1968. Each year, a team of student managers is selected to operate the station under the guidance of a general manager. All students attending Lyons Township High School are welcome to join the WLTL team. The various positions include on-air disc jockeys, engineers and news broadcasters. If a student has an interest in becoming an on air personality, he or she has to complete an audition.

As one of the largest academic clubs at Lyons Township High School, WLTL received numerous awards at the 2005 John Drury Awards Ceremony. In 2004, WLTL was again named the best high school radio station in the Nation by the John Drury Awards—the first award came in 2002. The radio station has also been the winner of the Crystal Award of Excellence by the Communicator Awards for the past 8 years, a major accomplishment for any radio station. Because of the student's diligence in providing quality journalism, WLTL continues to have an impressive reputation.

I ask my colleagues to join me in praising the many accomplishments of School District 204 and the faculty and students of Lyons Township High School for the professional manner in which they operate the programming of the WLTL radio. It is my honor to bestow best wishes for the continued success of WLTL programming.

IN RECOGNITION OF THE CITY OF GLENDALE'S 100TH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate the city of Glendale on its historic 100th anniversary.

Today, the city of Glendale fills a major portion of the geographical triangle formed by the Sierra Madre Foothills, the L.A. River, and the Arroyo Seco. It was these 36,400 acres of woodland, chaparral and grassland inhabited by Native Americans known as Gabrielinos that attracted the attention of CPL Jose Maria Verdugo of the Spanish army. In 1798, Corporal Verdugo established title to the Rancho San Rafael. The Rancho included most of present day Glendale, Burbank, Eagle Rock, and Highland Park. In 1831, Mr. Verdugo died and passed Rancho San Rafael to his two children. It was not until 30 years later that the children divided the Rancho between them. In 1871, a court decision known as the "Great Partition" was made dissolving Rancho San Rafael into smaller parcels. Homes and businesses began to spring up, and in 1887, the County Recorder finally registered the "Town of Glendale."

In 1906, the city of Glendale was incorporated and consisted of 1,486 acres. The Grand Central Airport and Southern Pacific train depot connected Glendale to other communities. Civic organizations were organized and churches thrived. During the 1920s, Brand Boulevard grew into a modern commercial street lined with automobile showrooms, stores, and banks. The population increased from 13,756 in 1920 to 62,736 in 1930. In the 1970s a surge of development continued to make Glendale a bustling business center. During the 1980s and 1990s, the population grew dramatically with the arrival of thousands of immigrants from all over the world. In the year 2000, the city's population was about 195,000. Today, traditional neighborhood centers are flourishing and historic residential architecture and landmarks are increasingly appreciated.

Glendale is a true jewel in the State of California. I am proud of the unique privilege I have had to represent the city of Glendale in both the State Senate and now in the U.S. Congress. I ask all Members of Congress to join me today in congratulating the city of Glendale on its centennial celebration.

RECOGNIZING UAW LOCAL 1292 WALTER REUTHER DISTINGUISHED SERVICE AWARD WINNERS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in recognizing the accomplishments of 4 individuals selected by UAW Local 1292 to receive the Walter Reuther Distinguished Service Award.

The Walter Reuther Distinguished Service Award is one way the United Automobile Workers acknowledges the contributions made by its members, public officials and community leaders, to the advancement of working people and their families. The achievements of each recipient are registered with the Wayne State University Labor and Urban Affairs Archives at Wayne State University creating a permanent record.

UAW Local 1292 has selected four persons to receive this prestigious award. These people exemplify the attitude of Walter Reuther and strong commitment to serving their fellow UAW members.

Russell Cummins has served the membership for over 19 years. He has held the positions of Alternate Committeeman, Trustee and Veterans Representative.

Barbara J. Eastman has served as a Trustee, a Guide, Recording Secretary, on the Education Committee, Women's Committee, the Building Committee, and the CSC for the past 19½ years.

For the past 20½ years, Ruth A. St. Pierre worked on the Women's Committee, Elections, Civil Rights, Citizenship and Legislation, Education, Union Label, and as the Retiree Recording Secretary.

Eva Thornton started her career as a Benefits Representative in 1988 and has continued in that position until the present day.

Mr. Speaker, I ask the House of Representatives to join me in congratulating these four individuals for their outstanding service to the UAW. They have exhibited the character to persevere in the fight for justice and human dignity. Working men and women have benefited by their generosity of time and courage.

IN REMEMBRANCE OF MORRIS W. KING

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. CASTLE. Mr. Speaker, it is with great respect, admiration and much sorrow, that I rise today to remember the life of Morris W. King, the 52nd President of the Hartly Volunteer Fire Company. Mr. King, of Smyrna, Delaware, passed away at the age of 86. He made immeasurable contributions to the volunteer fire service in my home State of Delaware, as well as many of the surrounding States.

Morris King dedicated an amazing 68 years of service to various fire fighting causes during his life. For 35 years, he was a fire line officer in the Hartly Volunteer Fire Company before being elected Chief in 1971. Over the course of his service to the HVFC, Morris held every elected administrative office in the company; he was a man dedicated to protecting all members of his community. Morris oversaw the creation and implementation of the Hartly Fire Company Ambulance Corps, which he captained for many years.

After serving Hartly for so many years, Mr. King went on to hold many leadership positions within the Kent County Volunteer Firemen's Association and the Delaware Volunteer Firemen's Association. For his contributions, Morris was inducted into both the Delaware Firefighters Hall of Fame and the Del-Mar-Va Volunteer Firemen's Hall of Fame. In 1986, Mr. King was honored with the Delaware Fireman of the Year award. He was truly a man who was respected by all who knew him.

While Mr. King was a well-decorated firefighter, his contributions to his country and to local community organizations cannot be overlooked. Morris was a United States Army Air Corps veteran of World War II, serving as a member of the 17th Bomb Group. He also served as president of the Hartly town council.

Morris King's accomplishments are too numerous to name in this tribute. He was a treasure that our State and his family will miss greatly. I know that Morris' dedication to excellence and to public service will serve as an example to his family and friends that he leaves behind.

TRIBUTE TO CHARLES BILLINGTON III

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. RADANOVICH. Mr. Speaker, I would like to take this opportunity to congratulate Charles Billington III on his retirement from the Modesto Irrigation District Board of Directors. He held this position for the past twenty years.

Mr. Billington's commitment and expertise have been an asset to the Board. Since he became involved with the District in 1985, Mr. Billington was instrumental in providing leadership in the development of policies to ensure adequate supplies of water, dependable electric power, organizational efficiency and financial stability.

During his tenure, he played an instrumental role in the planning of the Modesto Regional Water Treatment Plant. This is the largest public works project undertaken in Stanislaus County during the early 1990s. In addition, Mr. Billington was a leader in forming a risk retention group which is now known as the Electric Public Power Insurance Consortium, EPPIC.

Under his leadership, and to the benefit of his constituents, the Modesto Irrigation District has prospered immensely. Charles Billington III has been a part of that important success. I wish him health and happiness in his retirement.

HONORING THE CITY OF THORTON AT ITS 50TH ANNIVERSARY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today in recognition of a great city in the Second District of Colorado, the City of Thornton—and to congratulate its citizens on the 50th Anniversary of the city's official incorporation. I am proud to represent this community in the United States Congress and to share a little of the history of this remarkable Front Range city. What began as a small development project by a local entrepreneur, Sam Hoffman, in the early 1950s—and supported famously by no less a figure (no pun intended) than Hollywood's Jane Russell, it has become one of the most attractive communities in Colorado.

In the early 1950s, a small development project north of Denver was named after Colorado Governor Dan Thornton and targeted toward soldiers returning from World War II. Sam Hoffman created a small community offering these soldiers and their families the opportunity to purchase a three-bedroom brick house for under $10,000. From that modest starting point, Thornton has grown into a community of more than 100,000 people, all of whom can be very proud of the great advancements their city has made since its incorporation on May 26, 1956.

The City of Thornton is still growing and attracting new residents. Located just 10 miles north of Denver, Thornton offers the ideal location for people hoping to experience the vibrancy of city life while still having easy access to skiing, camping, and all of Colorado's other natural wonders. With over 1000 acres dedicated to public parks and a focus on recreation programs, residents can maintain an active lifestyle and still be within driving distance to cultural events in Denver, Boulder, and the larger cities in the area.

Thornton is a perfect example of a small city that has managed tremendous growth in a short period of time. Former Thornton Mayor Margaret Carpenter shepherded the city through its most explosive growth era (the 1980s and 1990s), and today the city boasts premier recreation facilities, a strong business and commercial sector, and a diverse population.

I admire the way that the residents of Thornton have built a strong community with pride and inclusion, and ask that my colleagues join me in congratulating the City of Thornton on its 50th anniversary, and I look forward to seeing the city grow for another 50 years.

CELEBRATING THE LIFE OF ROSE NADER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 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. Mrs. Nader was both tender and tenacious. She was a woman who taught her children the importance of service to their community, a love of the environment and concern for the well being of others. As you can see, Mrs. Nader indeed lived an honorable life.

David Halberstam captured her well when he said, "I thought she was a remarkble person who lived a remarkable life, going literally from one century to another."

She was strong, loving, hard-working and modest. All of the virtues were hers. I used to ponder how much she and her husband had seen in their lives for it was a great American story. They had come here in the twenties with little more than their hopes and their capacity for hard work, and in just one generation they had seen their own children prosper—enriching what was around them and being enriched at the same time.

What I will remember is her kindness to our family over the years, her sense of obligation to others, and a belief that citizenship demanded a daily commitment.

And of course her modesty, in the mid-sixties, back when Life Magazine was still powerful, the editors put Ralph on the cover. My mother, thrilled by this, immediately called Rose to tell her.

"Yes," said Mrs. Nader, "that's nice. I must get out and get a copy." We all loved that, the "a copy" reference.

I would also like to include a reprint of an article written by Albert Bernstein that appeared in the Washington Post on January 26, 2006:

Mrs. Nader, who jousted with politicians and complacency as a small-town activist and was the mother of consumer advocate Ralph Nader.

Mrs. Nader developed a certain civic renown in 1955 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 approached by Mrs. Nader at a public gathering public gathering. When he offered his hand in an obligatory fashion, Mrs. Nader latched on and refused to free him until he promised to help a dry-dam proposal 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 beef 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, even 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 bakery-restaurant-general store in Winsted, in the northwestern corner of the state, became a redoubt for residents bemoaning 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. They gave her "the pervasive feeling that distrust is so widespread that people need to use such language to be believed."

In another editorial, 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."

Her husband died in 1991. A son, Shafeek Nader, died in 1986.

Besides Ralph Nader of Washington, survivors include two daughters, Claire Nader of Washington and Winsted and Laura Nader of Berkeley, Calif.; a sister; three grandchildren; 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."

CHINESE ANTI-SECESSION LAW

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. FOXX. Mr. Speaker, last spring, China passed the anti-secession law to give Chinese leaders the right to use force against Taiwan if they suspect separatist activities in Taiwan. In addition to the enactment of the antisecession law, China's rapid military buildup has given the Taiwanese people a sense of dread. China's deploying more than 700 missiles along the southeast coast indicates China still stubbornly clings to a military solution of the Taiwan issue. In response to China's provocative actions, we need to emphasize that military intimidation over Taiwan is no solution to the cross strait relations.

China must learn to respect the aspirations of Taiwan's 23 million people who want to be masters of their own land. China has no right to change the status quo either through the antisecession law or military intimidation. In the meantime, China must not block Taiwan's attempts in gaining international recognition or in returning to international organizations. Taiwan is a free and democratic nation and deserves to be treated properly and with respect by the international community.

President Chen is a man of peace who does not seek to change the status quo in the Taiwan Strait. He has reaffirmed his commitment to maintain the status quo on many occasions. In the last 6 years, he has kept his pledges and offered many goodwill gestures to China. His goal of reducing tension between Taiwan and China remains unchanged. Let's hope that China will reciprocate Chen's olive branch by renouncing the use of force against Taiwan and resume dialogue on an equal footing and without preconditions.

RELIEF FOR WORKING FAMILY VICTIMS OF HURRICANE KATRINA ACT OF 2006

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. RANGEL. Mr. Speaker, last year the United States laid eyes on one of the greatest natural disasters to ever hit our Nation. Hurricane Katrina ravaged a large part of our country, our economy, and, as a nation, our spirit. Last year Congress committed aid to the victims of this tragedy which the President signed into law. But our work and our commitment to the people of the gulf coast region cannot end there. If we turn our backs on those victims, we will only be subjecting them to another disaster, that of a government which isn't willing to support its own people.

In the months following the hurricane, news and media coverage were filled with photos and video of the effects of abject poverty leaving people in dire straits. Yet today, a short 4 months later, the faces of Katrina have all but disappeared from magazine covers or the nightly news. Make no mistake that the victims are still victims, and the journey back to rebuilding whole communities and lives is a long and difficult road.

To that end, I take pride in introducing, with my esteemed colleagues Congresswoman ROSA DELAURO, Congressman BILL JEFFERSON, Congressman RAHM EMANUEL, and Congressman CHARLIE MELANCON, the Relief for Working Family Victims of Hurricane Katrina Act of 2006. At present, thousands of families that suffered through the hurricane remain far from their homes and without adequate recourse or resources to help return their lives to normal. Over 900,000 children in the States effected by Hurricane Katrina were ineligible for the refundable child tax credit because their parents earned income level was too low, often by the smallest of margins. Current law restricts the refundable credit to families with income levels over $11,000, and more if the families have more than one child. This bill would allow working families earning $10,000 a year, just about minimum wage, to claim the full credit. I am joined in these efforts by my good friend, Senator BARACK OBAMA, who is introducing companion legislation in the Senate today.

Relief like this can carry a family miles down the road to rebuilding their lives. Congress must uphold its commitment to the victims of the hurricane. President Bush, in his State of the Union Address, remarked that, "In New Orleans and in other places, many of our fellow citizens have felt excluded from the promise of our country." It's sad that it took an epic disaster to open America's eyes to the lives of the impoverished and marginalized. The greater tragedy is if we do nothing about it.

SMALL VERMONT SCHOOL WINS NATIONAL RECOGNITION IN THE ARTS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SANDERS. Mr. Speaker, I wish to speak today about an extraordinary achievement by the teachers, administration and students of a small school in Vermont.

The Robinson Elementary School of Starksboro was one of five schools in the Nation chosen to receive this year's "Creative Ticket National Schools of Distinction Award." The Creative Ticket School Awards provides national recognition "of the role individual schools play in providing a creative learning environment for outstanding student achievement" by recognizing "schools that have developed exemplary arts education programs."

The arts are a vital part of education, by connecting us through words and images and sounds to our past, by connecting us to one another in a vibrant human community, and by helping us to imagine a future where none are isolated or lonely or without hope. The wonderful work done at Robinson Elementary School is testimony that the arts are alive and flourishing—not just in, but especially, in the small towns of Vermont. And most especially, in Starksboro, a town of just under 2,000 residents.

This award is testimony to the inspired teaching which takes place at Robinson Elementary School, where art, drama, music and writing are integrated into the school curriculum. In particular, let me single out Vera Ryersbach, the art teacher at Robinson Elementary.

And of course I want to single out the students, for schools exist for their students, and the success of any program is measured by how hard and eagerly students pursue their studies. Twenty-five of the students at the 142-student school will be going to the Kennedy Center to perform on the Millennium Stage this coming March. But before that, there will be a community dance celebration in Starksboro, so all the students and community members can share in this great achievement.

Congratulations, too, to Robinson's principal Dan Noël, and to the supporting group for this endeavor, the Vermont Alliance for Arts Education and Anne Tyler, VAAE's executive director, and Elizabeth Miller, VAAE chair.

THANKING DAN HORNAK FOR HIS SERVICE TO THE HOUSE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. EHLERS. Mr. Speaker, on the occasion of his retirement in February 2006, I rise to thank Mr. Dan Hornak for 20 years of outstanding service to the United States House of Representatives.

Prior to his arrival in Washington, Dan graduated from Western Michigan University, taught elementary school, worked as a sheriffs deputy in Michigan, and was a television news cameraman. He joined the House Recording Studio staff in 1986 as a camera operator. Through the years he built a reputation as a team player dedicated to serving the Members of the House. He rose to the position of television director and enjoyed its challenges.

Dan has used his creativity to improve the Members' awareness of the Recording Studio services. His resourcefulness for completing special studio projects has become legendary. He has said that the greatest perk of his job has been working in the Capitol, learning its history and sharing it with others. Dan has made a point of knowing as many people working in the Capitol and in the House office buildings as possible, and he considers each of them to be his friend.

On behalf of the entire House community, I extend congratulations to Dan for his many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish him many wonderful years in fulfilling his retirement dreams.

TRIBUTE TO STUDENTS OF ST. BARNABAS CATHOLIC SCHOOL IN CHICAGO

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor: Sarah Bush, Laura Carroll, Eileen Cullina, Sara Kochanny, Meaghan McArdle, Alexandra Nine, Jessica Perazzolo, and Patrick Vogt, all students of St. Barnabas Catholic School in Chicago. These students, competing against students from sixteen other schools, placed first in the Chicago Region of the National Engineers Week Future City Competition. They will compete at the national level in Washington, DC from February 18–22.

The National Engineers Future City Competition is a competition sponsored by Engineers Week, a consortium of major U.S. corporations, professional, and technical societies. The consortium is dedicated to ensuring a diverse and well-educated engineering work force by increasing understanding of and interest in engineering and technology careers, as well as promoting precollege literacy in math and science.

The competition encourages 7th and 8th grade students to use problem solving skills, team-work, research and presentation skills, practical math and science applications, and computer skills to present their vision of a city of the future. St. Barnabas Catholic School, an elementary school stressing hands on learning, has participated in the National Engineers Week Future City Competition for the last 7 years. Previous St. Barnabas teams have won the Chicago regional competition 3 times, the national championship in 2001, and finished fifth in 2004. The team's current advisors include engineer mentor Timothy Cullina and teacher mentor Jeanne Conway.

As a member of the House Science Committee and one of only 11 Members of Congress with an engineering degree, I am especially proud to recognize these young engineers. Their interest in and commitment to math and science education is admirable and will help our country remain a global leader in science and engineering.

It is my honor to recognize these students and their mentors for these outstanding achievements. Additionally, I commend St. Barnabas Catholic School for promoting the sound leaning atmosphere necessary to foster academic success.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF MERCI

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to recognize Merci on its 50th anniversary. Dedicated to serving the developmentally disabled members of our community, Merci has helped countless people make significant strides toward reaching their goals and achieving fulfilling lives.

Merci has its roots working with developmentally disabled children. In 1955, the Monterey Park Exchange Club determined that there was a need for a school dedicated to developmentally disabled children, and Merci was formed. Merci was incorporated as a nonprofit in 1959, and the early years were devoted to working primarily with children. In 1967, Merci was authorized by the Regional Centers of California to serve all people diagnosed with developmental disabilities. As the educational landscape changed over time, it became one of Merci's central aims to prepare developmentally disabled children for enrollment in public school special education classes; to this end, Merci added a program geared especially toward preschoolers. Merci continued to grow and thrive, and the organization expanded to include a Work Activity Center for adolescents and young adults. After a series of laws regarding handicapped children and public education passed in the 1970s, Merci's focus in 1976 shifted to working with its older clients. To this day Merci continues to provide unsurpassed service to its clients.

In keeping with its outstanding tradition of helping others, in the past few years Merci started two new programs that allow the organization to serve an even greater number of clients. As a part of one of the programs, Merci staff travel to the homes of clients with special medical needs and work with them on an individual basis. Merci has also opened its first group home, Ernie's Place, which offers 24-hour supervised care for its clients.

The Merci staff's commitment and dedication to serving the developmentally disabled members of our community is to be commended. Without Merci, many people would not be living the quality lives that they are living today.

I am proud to congratulate Merci on the occasion of its 50th anniversary. I ask all Members of Congress to join me in honoring Merci and the Merci staff for their dedication to making our community a better place in which to live.

HONORING HARRY LESTER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. KILDEE. Mr. Speaker, I rise today to honor a man that is a giant in the United Steelworkers of America, Harry Lester. Harry is retiring from the United Steelworkers on February 10 and will be honored at a dinner that evening. With his retirement working men and women are losing a remarkable advocate.

Harry's association with the labor movement began when as a child, he witnessed the tragic death of his father in a coal mining accident in West Virginia. Thus began a lifelong commitment to social justice. Relocating to Michigan, Harry went to work for McLouth Steel Corporation and became a member of the United Steelworkers in 1954.

Working with his local, Local 2659, Harry was elected shop steward that same year. He rose through the ranks of the union and was sworn in as the District 2 Director in 1981. He has been re-elected director ever since. Harry has earned the reputation of a tough and fair negotiator. He negotiated the workplace safety and health language that was later handed down in a Supreme Court decision as the standard for all workers. Twice he has worked to keep McLouth Steel Corporation in operation, first in 1982 and the second time in 1987. At that time his ingenuity saved the company by putting together an employee buyout. The employees owned 87 percent of the company and created, for that time, the largest Employee Stock Ownership Plan in this country.

Simultaneously, as he was working to save McLouth Steel Corporation, Harry was working with the negotiating team for National Steel Corporation. He helped craft the Cooperative Partnership Agreement that gave the company's employees a say in the decisionmaking process. His efforts on behalf of the membership advanced worker input and saved their employers millions of dollars. In 1993 he was appointed chair of the United Steelworkers of America National Steel Negotiating Committee.

Harry's commitment to social justice extends beyond the workplace. He is active with numerous organizations including the Metropolitan AFL–CIO, the Michigan State AFL–CIO, United Foundation, United Way of Michigan, National Kidney Foundation, Economic Alliance of Michigan, Blue Care Network, Huron-Clinton Metropolitan Parks Authority, Citizens Advisory Committee of the University of Michigan-Dearborn, Greater Detroit Area Health Council, Michigan Economic and Environmental Roundtable and is the founder of the Annual Downriver Community Prayer Breakfast. Harry serves on the Salvation Army Board of Directors and with his wife, Mary, is a bell ringer every Christmas.

As District 2 Director, Harry believed it is essential for local union leaders to be as skilled and as educated as their company counterparts. He developed training classes and encouraged lifelong learning. In this he led by example. Harry has taken every Labor Studies class offered by the University of Michigan, Wayne State University, and Michigan State University. In May 2005 he was awarded an Honorary Doctor of Humanities degree by Michigan State University and actively works with the school's Labor Education Program on curriculum development.

Mr. Speaker, I ask the House of Representatives to join me in expressing admiration for a man that has devoted his entire life to the betterment of those around him. Through his foresight every worker in this country has benefited. I, and other Members of this body, have long sought his guidance and I have welcomed his wisdom. I wish to thank Harry Lester for his service and wish him the best as he retires from the United Steelworkers of America.

IN HONOR OF THE CATHEDRAL CHOIR SCHOOL OF DELAWARE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Cathedral Choir School of Delaware, who on January 25, 2006, had the honor of singing for First Lady Laura Bush at the White House. The Cathedral Choir School of Delaware was honored as one of the 17 youth arts and humanities programs that will receive the 2005 Coming Up Taller Award from the First Lady. The Choir performed two songs, the National Anthem and a Zulu anthem.

This Award was created by the President's Committee on the Arts and the Humanities, and its recipients are chosen by members of the Institute of Museum and Library Services, the National Endowment for the Arts, and the National Endowment for the Humanities. The Cathedral Choir School of Delaware was selected from a group of over 250 well-qualified nominees.

Led by Choirmaster and Artistic Director Dr. Darryl Roland, this wonderful ensemble boasts 53 area students whose ages range from as young as 7, to as old as 17. The main objective of the choral arts program is to help these young people, many of them disadvantaged, succeed in school and other extracurricular endeavors. While singing is the central activity, it is only one of the important skills that they take away from this program.

The Cathedral Choir School of Delaware boasts an impressive list of alumni, many having been elected to leadership positions at their academic institutions and in their communities. The former Chief Justice of the Delaware Supreme Court is an example of a distinguished alumnus from the group.

I congratulate and thank the Cathedral Choir School of Delaware for their contributions to the State of Delaware and to our country. Many children who have participated in the program as well as music lovers owe the group a sincere debt of gratitude, and I am pleased to be able to vocalize their appreciation. I am thrilled that a group from my home State has been honored with such an illustrious award and I wish them many more years of continued success.

TRIBUTE TO MR. DONALD FOX

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Mr. Donald Fox on his retirement from the National Park Service. Mr. Fox retired as a career appointee in the position of Landscape Architect and Pacific West Region, PWR, accessibility coordinator for the National Park Service.

Mr. Donald Fox's expertise in landscape architecture and accessibility compliance in accordance with the Americans with Disabilities Act, AGA, Accessibility Guidelines enabled his success as landscape architect and Pacific West Region, PWR, accessibility coordinator. His service to the Department of the Interior began in 1965 with his first temporary appointment and culminated in his permanent career appointment in January of 1971. Additionally, Mr. Fox served his country faithfully as a dedicated member of the United States Army before beginning his career with the National Park Service.

Mr. Fox worked for over 38 years in the National Park Service and had a long and distinguished career that was mostly spent in the service of preserving one of our country's most dramatic and beautiful National Parks. His efforts to make Yosemite accessible to all will be appreciated for decades to come by those who visit this great American landmark.

RECOGNIZING DAVID J. SHENK UPON BEING NAMED TOWN OF BOSTON ''DEMOCRAT OF THE YEAR''

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. HIGGINS. Mr. Speaker, I stand here today to recognize David J. Shenk, a man who is being recognized as town of Boston 2006 ''Democrat of the Year'' for his selfless dedication to his community and his country.

Mr. Shenk currently serves as the Boston town clerk, a position he first won by just three votes in 1991, at the young age of 21.

For the last 14 years Mr. Shenk has served his community well, securing 14 records management grants, streamlining efficiencies in town government, and establishing a foundation which provides grants to local nonprofit organizations.

Mr. Shenk's allegiance to his hometown is only rivaled by his commitment to this great Nation. Enlisted in the United States Army Reserve in 1988, he has served in Operation Desert Storm and Operation Iraqi Freedom. A health care specialist in the 1982nd Forward Surgical Team, his decorations include three Army Achievement Medals and an Army Commendation Medal.

Thank you, Mr. Speaker, for this opportunity to recognize David Shenk, a man I am proud to have as a colleague in Western New York government, a friend and a public servant deserving of the title ''Democrat of the Year.''

IN MEMORY OF FORT WORTH POLICE OFFICER HENRY ''HANK'' NAVA

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. GRANGER. Mr. Speaker, I rise today to honor a courageous police officer from my district who was slain on December 1, 2005. Fort Worth Police Officer Henry ''Hank'' Nava died from a gunshot wound to the head that he received on November 29 while searching for a man who was wanted by police. His loving family and many of his fellow officers were at his side when he died.

Officer Nava was a remarkable officer of the peace who was admired both by fellow officers and citizens of Fort Worth. Officer Nava, a native of central Texas, began his career in law enforcement in 1988 as an Austin, TX, park police officer. He became a Fort Worth police officer in 1992 and in the ensuing 13 years worked tirelessly to protect the citizens of Fort Worth. Officer Nava worked for the Plano, TX, police department for a brief period in 1999 but soon returned because he missed Fort Worth.

During his career, Officer Nava served as a Fort Worth patrol officer, a neighborhood patrol officer, a school resource officer and, for the last 2½ years of his career, as a member of the North Division Crime Response Team. Officer Nava quickly earned the reputation of a hard working officer who always had a smile and the officer who wore the Oakley sunglasses. Often, after his shift ended, Officer Nava would take one more call for help. He mentored young people through the Police Department Explorer Scout program. His desire to help others was exemplified when he and several members of the Fort Worth Police Department traveled to New Orleans to deliver relief supplies to the victims of Hurricane Katrina.

Officer Nava was devoted to his wife, Teresa, and his children KayLeigh, 9, and Justin, 4. He was an outstanding and loving husband as well as a friend to Teresa. Because of his love for his wife, he always took time from his work to be with her whether it was on their yearly cruise or a call home. His last call to Teresa came just minutes before he entered the home where he was fatally shot. His children were the joy of his life. He showered them with his love and attention, as only a proud father can do. Whether it was having fun around the family backyard pool or participating in an activity, Officer Nava always made certain his children had his full attention and that the moment was special for them.

Officer Nava's commitment to law enforcement, his deep love for his family and his pride in Fort Worth made him an outstanding Fort Worth police officer and citizen. I am proud to honor Officer Henry ''Hank'' Nava for his services to Fort Worth and its citizens. He will not be forgotten.

HONORING THE LATE HUGH THOMPSON, JR.

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. BOUSTANY. Mr. Speaker, I rise today to recognize and honor a man who will long be remembered for devotion to his country, his community, and his family. Hugh Thompson, Jr. of Lafayette, Louisiana, passed away after a brief illness on January 6, 2006, at the age of 62.

Born in Atlanta, Hugh joined the Navy in 1961 and left 3 years later. He continued his military service in 1966 by joining the Army and becoming a helicopter pilot. Upon completion of training, Thompson was deployed to serve in Vietnam. In 1968, he volunteered for duty that involved flying over Vietnamese forests to draw enemy fire and pinpoint the location of enemy troops.

It was on March 16, 1968, that Thompson and his crew; door-gunner Lawrence Colburn and crew chief Glenn Andreotta, came upon U.S. ground troops opening fire on Vietnamese civilians in and around the village of My Lai. After Thompson landed his helicopter in the line of fire between American troops and fleeing Vietnamese civilians, Colburn and Andreotta provided cover as he went forward to confront the leader of the U.S. forces. Thompson later coaxed civilians out of a bunker so they could be evacuated, and then landed his helicopter again to pick up a wounded child they transported to a hospital. Thompson would later say: ''These people were looking at me for help and there was no way I could turn my back on them.''

By the end of his tour of duty, Hugh Thompson had been hit eight times by enemy fire and lost five helicopters in combat. He left Vietnam after a combat crash broke his back, and was awarded both a Purple Heart and the Distinguished Flying Cross.

In 1998, the Army honored Thompson and his crew for their bravery at My Lai with the prestigious Soldier's Medal, the highest award for bravery not involving conflict with an enemy. ''It was the ability to do the right thing even at the risk of their personal safety that guided these soldiers to do what they did,'' Army Maj. Gen. Michael Ackerman said at the 1998 ceremony. The three ''set the standard for all soldiers to follow.''

Following his service in the military, Hugh was a devoted servant in Lafayette as a Veteran's Service Officer with the Louisiana Department of Veteran's Affairs.

Mr. Speaker, the United States has lost a true hero, and the State of Louisiana has lost a devoted leader and dear friend. I want convey my heartfelt sympathy to the Thompson

family. We are all humbly indebted to Hugh's service, and a grateful Nation honors his memory.

RECOGNIZING NAVAL HOSPITAL PENSACOLA FOR BEING A TOP PROVIDER OF PATIENT SATISFACTION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Naval Hospital Pensacola in my district for being named the best mid-sized Department of Defense hospital in the nation for patient satisfaction.

Last month, the 2006 annual TRICARE conference focused on Department of Defense health facilities that excel in providing healthcare to active service members, retirees, and their families, and I am proud to know that those who so bravely serve our country can come to Northwest Florida for quality healthcare.

I also want to commend Naval Hospital Pensacola's Commanding Officer, Captain Matt Nathan, for leading the hospital over the last 2 years and ensuring that his staff deliver the best services possible to those in need. This award reflects as much on the staff that oversee the day-to-day operation of the hospital, including patient care and follow-up. Naval Hospital Pensacola has long been a top provider of customer satisfaction because of this outstanding staff, and I am proud to see them along with Captain Nathan take the hospital to the number one spot.

I am confident that all of those who work at Naval Hospital Pensacola will continue to strive toward the best healthcare for our active and retired service members and their families well into the future. It is this kind of health care that should serve as a model for how we should take care of those who dedicate their lives toward the freedom of this great Nation and the rest of the world.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Naval Hospital Pensacola as being the top medium-sized Department of Defense hospital in our Nation, and I wish them great success down the road.

HONORING PROVENA ST. JOSEPH MEDICAL CENTER

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. WELLER. Mr. Speaker, I rise today to honor Provena St. Joseph Medical Center as they receive the ''Salute To Accomplishment'' award from the Joliet Region Chamber of Commerce and Industry. Provena St. Joseph Medical Center is located in Joliet, Illinois and serves my 11th District Congressional constituents.

Provena St. Joseph Medical Center was founded in 1882 and is located in downtown Joliet. In 1964, the hospital moved to its present location at 333 North Madison Street on Joliet's west side. Today, the Medical Center has a medical staff of more than 400 physicians representing over 50 medical specialties and employs over 2,200 professional, technical and support personnel.

Provena St. Joseph Medical Center has received numerous accreditations including the following departments: Ultrasound Department, Neurology Lab, Vascular Lab, Cancer Care Center, Physical Medicine and Rehabilitation Unit, Pulmonary Rehabilitation, and the CT Scan Facility. Jeff Brickman, President and CEO of Provena St. Joseph Medical Center, has stated that, ''At Provena St. Joseph Medical Center we strive to provide the community with the highest quality of patient care every day.'' The many awards and accreditations received by Provena St. Joseph are a testimony to the truth of this statement.

Provena St. Joseph Medical Center is affiliated with the Provena Family Health Centers located in Coal City, New Lenox and Plainfield. The Medical Center is a division of Provena Health which has a history of providing health care to everyone regardless of their ability to pay for services. The heart of their mission is to ''build communities of healing and hope.'' Provena St. Joseph Medical Center truly lives up to the standards of its founding fathers.

Mr. Speaker, I urge this body to identify and recognize other facilities in their own districts whose actions have so greatly benefitted and strengthened America's families and communities.

THANKING HELGA BROWN FOR HER SERVICE TO THE HOUSE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. EHLERS. Mr. Speaker, on the occasion of her retirement in February 2006, I rise to thank Ms. Helga Brown for 23 years of outstanding service to the United States House of Representatives.

A native of Bad Reichenhall, Germany, Helga has served this great institution in mail processing, sales clerk, and payment processing positions within the offices of the Doorkeeper, Clerk, and the Chief Administrative Officer. She began her career at the House on February 24, 1983 in the Folding Room, where she assisted House offices with the preparation and packaging of mail. In 1988, after 5 years of hard work in the Folding Room, she transferred to the Office Supply store, where she started as a sales clerk. Helga's knowledge, enthusiasm and friendliness endeared her to her customers and coworkers. She always went the extra mile to assist House staffers and Office Supply Store visitors with their purchases or questions. Helga moved from the Office Supply sales floor to the payment processing department, where she quickly learned the new MCBA and FFS payment processing software. She proved to be an excellent worker in this area too, doing everything necessary to provide swift and correct payments to supply vendors. In addition to making prompt and accurate payments, Helga also assisted with the reconciliation of cash sales.

After 10 years in Office Supply, Helga briefly served as receptionist at Office Systems Management within House Support Services, again providing superior service to the House community. Her outstanding work prompted Office Supply to seek her out again, and she returned there to process payments. The Vendor Management department of House Support Services also recognized her abilities, and she finally transferred permanently there on August 1, 1999. Even years after her transition from the sales floor to the accounts payable section of Office Supply and Vendor Management, customers remembered how well she had helped them in the past, and would often seek her out for guidance, or just for a friendly chat. She has managed the processing of the majority of the countless payments for office supplies ordered by House Offices through Vendor Management. She painstakingly researched delivery documentation and invoices in order to ensure accuracy and swiftness of payments. Always a cheerful volunteer for special projects, Helga eagerly went above and beyond the call of duty. One of these special projects was a temporary detail back to her old position in Office Supply to assist with daily deposits and accounts. Her standard of excellence, dedication, professionalism, and pleasant disposition have earned her the admiration and respect of all of her customers and coworkers.

Helga will be greatly missed by the many friends and acquaintances that she has made throughout the entire House community over the years. We thank her for a job well done, and we wish her many happy years of retirement.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MRS. CORETTA SCOTT KING

SPEECH OF

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2006

Mr. BERRY. Mr. Speaker, on January 31, just one day before the start of Black History Month, we lost one of our Nation's most important civil rights pioneers—Coretta Scott King. Black History Month is an appropriate opportunity to mourn her death, celebrate her extraordinary life, and reflect on the extraordinary partnership of Mrs. King and her husband, Dr. Martin Luther King, Jr.

Although Dr. King was the heart and face of the civil rights movement, Mrs. King was its backbone. She marched alongside her husband in Selma to demand voting rights for African Americans. She marched with him again in Washington to demand a Federal law protecting the civil rights of all Americans. And she marched with her husband in Memphis one day before he was killed, to provide relief for the sanitation workers facing entrenched discrimination.

After Dr. King's murder in 1968, Coretta Scott King fought with enormous grace and determination to keep her husband's legacy alive. She founded the Martin Luther King, Jr. Center for Nonviolent Social Change to further his dream of racial equality, and fought tirelessly to establish a national holiday to honor her late husband. Although it took her 15

years to accomplish this goal, Congress finally enacted a law in 1983 designating the third Monday of January as Dr. Martin Luther King Day.

Since her husband's death 38 years ago, Mrs. King continued her work as a civil rights activist, an advocate for women's rights, and a leader in the struggle against apartheid in South Africa. She fought for the ideals that made this country great, and became the epitome of American strength and perseverance during a difficult struggle for civil rights.

In the spirit of Coretta Scott King, let us rededicate ourselves to give all Americans the opportunity and justice they need to meet the challenges of today. Through perseverance and a deep belief in God and humanity, we can go a long way to achieving a more perfect America.

LAW ENFORCEMENT AND PHONE PRIVACY PROTECTION ACT OF 2006

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SMITH of Texas. Mr. Speaker, today I rise to introduce the "Law Enforcement and Phone Privacy Protection Act of 2006."

This bipartisan legislation provides new, explicit, and strengthened protections for the privacy of confidential telephone records, including calling logs. It establishes specific criminal penalties for the fraudulent acquisition or disclosure of these records without consumer consent.

Few things are more personal and potentially more revealing than our phone records. The records of whom we choose to call and how long we speak with them can reveal much about our business and personal lives. A careful study of these records may reveal details of our medical or financial life. It may even disclose our physical location.

To avoid unwanted invasions of their personal privacy, millions of Americans already voluntarily list their phone numbers in the "National Do-Not-Call" registry. Many Americans also keep their telephone number unlisted.

Currently, Federal law recognizes the right of Americans to maintain this kind of privacy by providing some limited protections for the confidential information contained in calling logs. Phone companies and others who have a legitimate interest in having this information may not release it without either consumer consent or a determination that certain narrowly prescribed conditions exist.

Unfortunately, recent investigations by law enforcement authorities, including the Chicago Police Department and the FBI, and numerous media reports have shattered the notion that this data is safe.

These reports demonstrate that current Federal statutes are woefully inadequate to protect these records. They reveal that numerous companies and individuals offer to sell confidential phone records information to virtually anyone with no questions asked.

The price for selling this sensitive private information is shocking. It averages about $100. Essentially, these companies sell the confidential personal information of American citizens as a commodity. Many of these companies have operated on the Internet under a variety of names. There may be several thousand additional companies or individuals across the U.S. who traffic in these records but who do not conduct business openly on the Internet.

Alarmed at the easy access to these records, the Chicago Police Department and the FBI have reportedly warned their personnel to take steps to safeguard their phone numbers. The potential danger to undercover operatives concerns law enforcement officials.

In recent weeks, several States have taken civil enforcement action against these kinds of companies filing suits that allege violations of various State unfair and deceptive trade practices statutes. In these suits, the evidence shows that these companies typically use a variety of fraudulent devices to obtain these records from employees of phone companies. The most common method is referred to as "pretexting." A pretexter calls the phone company and poses as someone who is authorized to receive the information lawfully—perhaps the actual phone customer or another employee of the target phone company. I certainly agree this conduct is an unfair and deceptive practice. I applaud the state and federal officials who are investigating and civilly pursuing these companies.

However, I believe civil enforcement alone is not enough. New federal criminal penalties are needed to deter and punish these dishonest individuals and businesses—and to put them out of business permanently. The "Law Enforcement and Phone Privacy Protection Act of 2006" imposes serious criminal penalties—up to 20 years in prison—for anyone who knowingly and intentionally obtains or attempts to obtain the confidential phone records of a telephone company using a fraudulent scheme or device.

The bill further imposes up to 5 years imprisonment on anyone who:

First, either sells, transfers, or attempts to sell or transfer such records without authorization; or

Second, purchases such records knowing they were obtained without authorization.

Most importantly, the bill provides enhanced criminal penalties for anyone who: (1) engages in large-scale operations to violate the law; or (2) discloses or uses such fraudulently obtained information in furtherance of various crimes of violence or intimidation. This latter provision ensures that the bill targets the worst offenders.

The release of sensitive information like a phone record to an unauthorized individual can compromise a person's safety. Consider the tragic case of Amy Boyer, a young woman who was murdered in 1999.

In Ms. Boyer's case, the murderer hired Docusearch.com to conduct a search and identify Amy's Social Security Number and place of employment. Docusearch hired a subcontractor, who posed as an employee of Ms. Boyer's insurance company, called Amy, and confirmed her place of employment. Shortly thereafter, the killer drove to her workplace and gunned her down as she was leaving. For its service, Docusearch charged her murderer $109.

The unauthorized trade in this information not only assaults individual privacy but, in the wrong hands, can lead to violence and in the most extreme instances, even death. We must act to deter these acts by providing that anyone who seeks to wrongfully acquire or disclose these records faces serious criminal consequences.

I urge my colleagues to join me and the other cosponsors in supporting this bill. It is urgently needed to preserve consumer's privacy rights and to protect the personal safety of law enforcement personnel and victims of domestic violence. Enactment of this bill will send a clear and emphatic signal that these breaches of privacy will no longer be tolerated. I look forward to the House passing this legislation without delay.

PROMOTING PEACE AND STABILITY THROUGH THE REPEAL OF THE ANTISECESSION LAW

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SESSIONS. Mr. Speaker, last spring, China passed the anti-secession law to give Chinese leaders the right to use force against Taiwan if they suspect separatist activities in Taiwan. In addition to the enactment of the anti-secession law, China's rapid military buildup has given the Taiwanese people a sense of fear. China's deployment of more than 700 missiles along the southeast coast indicates that China still stubbornly clings to a military solution of the Taiwan issue. In response to China's provocative actions, we need to emphasize that military intimidation over Taiwan is not a solution to the cross strait relations.

China must respect the aspirations of Taiwan's 23 million people who want the freedom to determine their own future. China has no justification to change the status quo either through the anti-secession law or military intimidation. Last spring, the House of Representatives went on record in expressing our grave concern over China's anti-secession law by passing H. Con. Res. 98 authored by Chairman HYDE in a vote of 424–4. I was proud to vote for this legislation, and I commend my fellow colleagues for the overwhelming decisive nature of the vote in demonstrating the House's sincere interest in preserving peace in the Taiwan Straits through the ending of the anti-secession law.

In other important issues, China must not block Taiwan's attempts to gain international recognition or return to international organizations such as the United Nations and the World Health Organization. Taiwan is a free and democratic nation and deserves to be treated properly and with respect by the international community. Taiwan's exclusion from the United Nations has deprived the identity of 23 million people.

President Chen is a man of peace and he has reaffirmed his commitment to maintain the status quo on many occasions. In the last six years, he has kept his pledges and offered many goodwill gestures to China. His goal of reducing tension between Taiwan and China remains unchanged. Let us hope that China will reciprocate Chen's olive branch by renouncing the use of force against Taiwan and resuming dialogue on an equal footing and without pre-conditions.

ELIMINATE WAREHOUSING OF CONSUMER INTERNET DATA ACT OF 2006

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. MARKEY. Mr. Speaker, I rise to introduce the Eliminate Warehousing of Consumer Internet Data Act of 2006. This act is designed to ensure that personal information about consumers and their use of the Internet that is no longer necessary for any legitimate business purpose is destroyed. The warehousing of personal information about consumers' Internet use, data which often indicate nonpublic details of their lives, should not be stored needlessly awaiting compromise by data thieves or fraudsters or disclosure through judicial fishing expeditions.

Mr. Speaker, as America's telecommunications networks continue to grow and broadband digital technologies become ever more prevalent, individuals and industries will increasingly use such networks to communicate and conduct commercial transactions. The ease of gathering and compiling personal information during such communications, both overtly and surreptitiously, is highly efficient due to advances in digital telecommunications technology and the widespread use of the Internet.

As such information is gathered and gleaned from consumers, it is important to acknowledge that consumers have an ownership interest in their personal information. Information gathered about consumers over the Internet can provide detail about some of the most intimate aspects of an individual's life, including their surfing interests, communications with other citizens, purchases, information inquiries, and political or religious interests, affiliations, or speech. Certain information from Internet searches or website visits conducted from a particular computer can be obtained and stored by websites or search engines, and can be traced back to individual computer users. Some Internet search engines, for example, today can collect information about a consumer's search request, the Internet protocol address, the consumer's browser type and browser language, the date and time of the request, as well as information regarding cookies that may uniquely identify the consumer's browser.

Mr. Speaker, I believe that in order to safeguard consumer privacy interests, companies that gather personal information that can identify individual consumers should cease to store such information after it is no longer necessary to render service to such consumers or to conduct any legitimate business practice. This is an obligation that cable operators today discharge. A cable operator, which can gather personal information about a subscriber's use of the cable system and obtain information about a consumer's video programming choices and use of their cable modem are currently required under section 631 of the Communications Act, 47 U.S.C. 551, to destroy any personal information gathered from a subscriber after it is no longer necessary for the purpose for which it was gathered and if there are no other pending legal requests for such information.

This legislation is designed to extend to consumers similar protection. It does so for websites and Internet search engines who arguably possess information about computer users which is more detailed and more personalized, than information cable operators typically gather. It does however permit such entities to utilize such data to render service to consumers in a way which does not inhibit their ability to innovate and only requires that once the entity no longer has a legitimate reason to warehouse such information to destroy it within a reasonable period of time.

I look forward to working with my colleagues on both sides of the aisle on this and other consumer privacy issues this year and in the future.

TRIBUTE TO NATIONAL BLACK HIV/AIDS AWARENESS DAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mrs. McCARTHY. Mr. Speaker, I rise today to mark the observance of National Black HIV/AIDS Awareness Day. AIDS doesn't discriminate. It affects every race, age and gender but HIV/AIDS is the leading cause of death among African Americans ages 25–44. It has become a state of emergency.

In the United States, over 400,000 people were living with AIDS at the end of 2003 and African Americans accounted for half of these AIDS cases. The Center for Disease Control suggests that African Americans tend to be diagnosed later in life and at a more advanced stage. This explains why more blacks die sooner from AIDS related complications than any other group in the U.S.

African American women are hit the hardest. Rates of HIV/AIDS diagnosis in African American women are almost 20 times higher than white women and 5 times higher than those of Hispanic women. African American men are diagnosed at a rate of almost 7 times higher than those of white men.

Unfortunately it doesn't appear that the future is much brighter. Today, people under the age of 25 account for half of all new HIV infections each year. Within that group, African Americans account for 56 percent of new infections. No matter what age group one focuses in on, blacks are most impacted.

The President mentioned the AIDS epidemic in his State of the Union and the Federal Government must stay active in not just funding research initiatives but also in education and improving the lives of those in poverty. Nearly 1 in 4 African Americans lives in poverty. There is an association between higher AIDS cases and lower income. The socioeconomic problems associated with poverty, including limited access to high-quality health care and HIV prevention education, directly or indirectly increase HIV risk. If we can decrease poverty we can decrease the amount of African Americans with HIV/AIDS.

The Nation must take ownership and reinvigorate the response to the crisis within the African American communities and beyond. There must be a partnership between local community organizations with Federal and state agencies. Together we can combat and defeat this disease.

CONGRATULATING MARTIN D. POPKY ON THE OCCASION OF BEING HONORED BY THE SELIGMAN J. STRAUSS LODGE OF B'NAI B'RITH HOUSING FOUNDATION, INC.

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Martin D. Popky, of Kingston, Pennsylvania, who is being honored for his many years of service to the Seligman J. Strauss Lodge of B'nai B'rith Housing Foundation.

Mr. Popky has served as president of the Foundation for 35 years since the establishment of the B'nai B'rith Apartment complex in Wilkes-Barre, Pennsylvania. He is also a member of the national board that operates 36 B'nai B'rith senior citizen housing projects in six countries.

The owner of a successful independent insurance agency, Mr. Popky recently celebrated 50 years with CNA Insurance Company during which time he was a high performance agent.

A member of the Masonic Lodge, Mr. Popky is also a member of the Irem Temple where he formed the Stewards Unit, serving as chief steward for more than 20 years.

A life member of Temple Israel and a member of Ohav Zedek Synagogue, Mr. Popky also served as secretary and a member of the board of directors of the Jewish Community Center. He was also a three term chairman of the United Hebrew Institute School Board and chairman of its board of trustees.

In 1993, Mr. Popky received the highest honor of the United Hebrew Institute when he received its Shofar Award.

An active volunteer in many civic activities, Mr. Popky founded the American Blind Bowlers Association; served as treasurer of GRIT; was the owner and operator of Washington Square Apartments and was treasurer of the Interfaith Council of Wyoming Valley.

Mr. Speaker, please join me in congratulating Mr. Popky on this special occasion. His commitment to community improvement has had a positive effect on the quality of life in the greater Wyoming Valley and, by his example and hard work, he has demonstrated what it means to be a true leader.

SALUTE TO BARBARA BOWES

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, as we begin this Second Session of the 109th Congress, I'd like to salute a constituent of mine, Barbara Bowes of Houston, Texas, who served as Jack Fields' district coordinator for the entire 16 years that Jack represented Texas' 8th Congressional District.

Barbara served her community not only as Jack's district coordinator but worked in our Houston district office. More important, she is a personal friend and someone I have come to admire over the last several decades.

Throughout the years she served Jack and me on behalf of the men and women of the North Channel area of Houston, Texas, I admired Barbara for her commitment to public service. When Jack represented the North Channel area in Congress in the early 1980s, and I represented the same area in the Texas State Senate, Barbara was the ''go to'' person in Jack's district office—the one we all contacted for requests, appointments and information. As Jack's district coordinator, Barbara was the best at what she did—keeping the Congressman and his staff on schedule and serving his constituents, often satisfying impossible requests.

But Barbara did far more as Jack's district coordinator.

Barbara served as a ''mother'' for the 8th Congressional District of Texas. She served as a ''mother'' to Jack's congressional staffs both in Houston and Washington, DC—offering support and good humor to everyone who served him. I don't think Barbara would object if I suggested that much of that good humor was somewhat ribald or slightly earthy.

Barbara continues to wage a courageous battle against melanoma, and in characteristic fashion, often uses humor to comfort everyone from her doctors to her family. Jack and I continue to marvel at her strength and endurance—as do her many friends, her family members and the staff at M.D. Anderson Cancer Center. Over the last 25 years, Barbara has provided all of us with a shining example of public service and a lesson in how service should be delivered. She never sought recognition for her work, but she earned the admiration of all who were privileged to work alongside her and those she helped through the years. I would ask that you and all of my colleagues remember Barbara in our thoughts and prayers.

Mr. Speaker, if not a Texas native, Barbara certainly is a Texas original—a Long Island native who found her home in Houston, Texas, and who served her community and her fellow citizens with dedication and distinction. Texans have always welcomed such men and women to our state and offered them our love and respect. Texas and our Nation are better as a result of Barbara's service, and I appreciate this opportunity to recognize this unique Texas woman.

TRIBUTE TO SEYMORE SAILES

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Seymore Sailes, a lifelong resident of Manatee County whose sudden passing last week is a tremendous loss to the Palmetto community.

Mr. Sailes was the first African American insurance agent to work in a white-owned agency in the State of Florida. He went on to open his own insurance and bail bonding business, which is now a fixture in the Palmetto community.

However, to the people of Palmetto, Mr. Sailes is better known for his work outside the office. Seymore dedicated his life to bettering his community and improving opportunities for young people. Where there was a need, Seymore was hard at work, determined to meet that need.

Nowhere is the fruit of his tireless labor more evident than at the Palmetto Youth Center, where Mr. Sailes mentored kids and coached football. Seymore was always convincing local business leaders to support the center's young people by sponsoring events, financing educational scholarships or supporting the center's infrastructure expansion. Thanks to Mr. Sailes and his leadership, Palmetto Youth Center has been able to reach many more young people with a variety of programs and activities, as well as connecting with the entire community through the center's annual Rev. Martin Luther King, Jr., banquet and parade.

Outside of the Palmetto Youth Center, Seymore was also active in his church, serving as the chairman of the deacon board at St. John's First Baptist Institutional Church. His many civic activities and his determination in bringing people together to improve the community earned Mr. Sailes numerous awards, as well as the respect and appreciation of the Palmetto community.

Seymore's passing leaves a void in our community's leadership, as well as in our hearts. I would like to extend my appreciation to Mr. Sailes for his service and my deepest sympathy to his family for their loss.

HONORING THE RETIREMENT OF HARRY LESTER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to my dear friend Harry Lester on the occasion of his retirement from the United Steel Workers of America, USWA. Harry and I have fought and won many battles together over the past 50 years on behalf of working men and women. He is an honorable, decent, and hard-working man and I am proud to call him my friend.

As Director of District 2, representing steel workers in Michigan and Wisconsin since its establishment in 1995, Harry has shown commendable leadership and commitment to the community and to our nation's working families. Harry first became active in the Steel Workers at Local 2659 at McLouth Steel in Trenton, Michigan in 1954. In 1969, he was appointed to USWA staff where he later negotiated one of the first cooperative partnerships in the country between Dow Chemical, National Standard, Quanex, and the Detroit Steel Company. Harry was promoted to serve as the director of USWA District 29 from 1981 to 1995 before ascending to the position of Director of the newly formed District 2.

Harry has been very active in the local community throughout his career and currently serves on the board of several education, labor, political and civic organizations. His activities include participation in organizations such as the AFL–CIO, United Foundation, United Way of Michigan, National Kidney Foundation of Michigan, Economic Alliance of Michigan, Greater Detroit Area Health Council and the Michigan Economic and Environmental Roundtable. Harry has proven to be an effective leader in efforts to protect our environment and protecting the rights of working men and women across America.

As Harry enters his retirement years, I would like to extend my best wishes for a relaxing and enjoyable journey. I would like to thank him for all of his hard work and dedication to the United Steel Workers of America and to labor efforts over the years. His commitment to improving the quality of life for working families has been an inspiration to me and to everyone that he has touched in his many years of service.

Mr. Speaker, I ask that my colleagues join me in thanking Harry Lester for his many years of dedicated public service on behalf of both the United Steel Workers of America and the community at large. His heartfelt dedication to the workers of this Nation will not be forgotten.

PRESIDENT BUSH'S FY2007 BUDGET

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. CONYERS. Mr. Speaker, today I rise in opposition to the priorities set forth in the President's Budget which hides the true costs of the wars in Iraq and Afghanistan, finances tax cuts on the backs of the poor, slashes Medicare and Medicaid, and favors special interests over the interests of the American people.

Before the State of the Union address, I along with several other Members of Congress, sent President Bush a letter asking him to make sure that he tells the American people the truth. During the State of Union, President Bush said that his budget would cut the deficit in half by 2009. Unfortunately, it seems that the President did not read our letter.

The President's budget is misleading in the projected costs of the wars in Iraq and Afghanistan. Since 2001, approximately $370 billion has been provided to finance the wars and reconstruction efforts in Iraq and Afghanistan. More than $260 billion of that amount has been funneled into Iraq. In his budget, the President has set aside $50 billion in 2007 for Iraq and Afghanistan, but has not allotted any money beyond 2007. While I welcome a swift end to the war in Iraq, the assumption that this country will not spend a dime in Iraq and Afghanistan beyond 2007 is farfetched.

The President's budget is misleading in not including the 10 year costs of repairing the Alternative Minimum Tax. While the President has included a 1-year provision to mitigate the AMT's impact on the middle class, it omits the cost of the full repair to the AMT. This cost is projected to increase the deficit by $844 billion over the next 10 years.

Besides being disingenuous, this budget exacts a financial toll on our nation's disadvantaged citizens while helping to finance billions of dollars in tax cuts to the wealthiest Americans. The cost to make the President's tax cuts permanent is $1.35 trillion over the next decade. At the same time, the President's budget cuts significant social programs, including cuts in job training, education, food stamps, and environmental protection efforts.

Most alarmingly, this budget would allow the Federal Government to turn its back on those Americans who struggle to maintain their

health. The President's budget cuts Medicaid by $17.2 billion over 5 years, thereby jeopardizing the care of this country's most vulnerable Americans. The budget also cuts Medicare spending by $105 billion over the next 10 years, in part by reducing payments for providers. Furthermore, the President's budget proposes real cuts to the National Institute of Health. At a time when we are making significant progress in finding cures to cancer and heart disease, and the threat of serious new diseases such as Avian flu and other pandemics loom, the President is proposing to slow scientific and medical advancement.

The President's budget also fails to reduce the cost of health care or address the rising number of uninsured Americans. At a time when there are already 46 million Americans without any health coverage, this budget is wrong for our country.

This shameful budget rewards well-connected wealthy interests at the expense of the poor. Because the President's budget promotes the wrong priorities for our country, it should be rejected.

TRIBUTE TO WILLIAM ''BILL'' KORR

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. SCHAKOWSKY. Mr. Speaker, February 7th was a very special day for a fine American who had been very special to me and my family. It is the 90th birthday of William ''Bill'' Korr, across-the-street neighbor and family friend throughout my childhood.

Bill was born in 1916 in Chicago. His parents, Ben and Ida Korofsky, were immigrants from Russia who arrived in the U.S. via Ellis Island near the turn of the century.

When the stock market collapsed in 1929, knocking his parents out of the real estate business they had built, Bill at age 16 essentially ran a family grocery business on the west side of the city. He graduated from Englewood High School in 1934. He also attended the University of Chicago for 2 years but was forced to leave for financial considerations due to an illness in his immediate family.

Because of health issues he was not accepted into the Armed Forces during the WWII era.

In 1948 Bill cofounded National Hobbymodel Distributors, a wholesale operation servicing independent retail hobby shops nationwide. Most importantly, he was one of the six original founders of the Hobby Industry of America, HIA, known today as the Craft & Hobby Association, CHA, an organization that caters to a multi-billion dollar industry including craft, hobby, floral and scrap-booking products among its mix and whose leadership includes top executives from numerous prestigious and publicly traded companies.

From 1961 to present, Bill was involved as the principle of the William Korr Sales Company, a manufacturer's representative firm specializing in the floral, craft and hobby industries that today has grown to an operation which has three regional offices and accounts for over $15,000,000 in annual sales. Bill continues to go into the office 4 days a week.

Bill has three sons, Jerold, 60—Sheila, Elliott, 56—Janet, and Bruce, 52—Kimberely. He was married to Florence Tirengel Korr for 54 years before her passing in 1997. He has four granddaughters, Gail, Karen, Linda, & Alexandria, and just recently became a great grandfather when Gail gave birth to Sarah Nicole Atlas on December 5, 2005.

Bill has always been active in his synagogue and community and served as a scout master, long-term board member, and contributor of both funds and wisdom.

He remarried at the ripe old age of 87. His new bride is Sally Wisper Korr.

Golden words of wisdom: ''The DJIA will never go above 1,000,'' ''My advice is worth what you're willing to pay for it,'' ''Nixon's the one.''

I remember Bill as a kind and gentle man, always nice to all the kids on the block. He lived directly across the street from me on Jarvis Avenue in the unpretentiously middleclass Chicago neighborhood of Rogers Park. It was a tight-knit block on which everybody knew everybody and the families took care of each other. The man I called ''Uncle'' Bill is a great example of a hardworking, honorable and honest American, loved by his family and community, and I wish him a very happy birthday.

HONORING HOPE MATSUI YASUI UPON HER RETIREMENT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. MATSUI. Mr. Speaker, I rise today in tribute to a distinguished woman who has faithfully served the State of California for over 38 years. Hope Matsui Yasui retires this month from the State of California Employment Development Department. As her friends, family and colleagues gather to celebrate her decades of public service, I ask all of my colleagues to join me in saluting this outstanding citizen of Sacramento.

Hope began her career of public service to the State of California in 1962 with the California Department of Transportation, and then in 1967 she continued her career with the State Employment Development Department. The majority of her years of public service were with the State Employment Development Department and the California Governor's Committee on Employment of Peoples with Disabilities.

Hope successfully represented the California Governor's Committee on Employment of Peoples with Disabilities on a major California task force to work with the Social Security Administration to remove employer disincentives against hiring disabled people. While with the Committee, she was also an original co-founder of the California Model Youth Leadership Forum for Students with Disabilities. This well respected youth program led to the establishment of similar programs in over 30 States throughout the country.

Throughout her many years of employment with the State of California, Hope has established herself as an excellent role model through her career of exemplary public and community service. She has developed an impeccable reputation within Sacramento and throughout the State, as she has promoted employment opportunity for people with disabilities and for all Californians.

As a devoted public servant and community leader, she has shown compassion and understanding for those who are underprivileged in life. Her profound sense of understanding for those less fortunate was developed, in part, as a result of the injustices she faced at birth in a Japanese internment camp in Minidoka, Idaho amidst the turmoil of World War II.

Hope has maintained her commitment to the people of California and has remained dedicated to her family. Therefore, I would like to congratulate Hope Matsui Yasui for her many successes and for her well deserved retirement.

Mr. Speaker, as Hope Matsui Yasui's family, friends and colleagues gather to celebrate her career of service to Sacramento and to the State of California, I am truly privileged to congratulate one of Sacramento's most respectable citizens. The State of California has greatly benefited from having Hope Matsui Yasui's strong leadership and compassionate heart. Her dedication to people with disabilities and to the people of California has lasted a lifetime and has forever improved the lives of Californians with disabilities. I ask all of my colleagues to join with me today in wishing Hope continued success and happiness in all of her future endeavors, wherever her retirement may take her.

THANKING GARY DENICK FOR HIS SERVICE TO THE HOUSE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. EHLER. Mr. Speaker, on the occasion of his retirement in February 2006, I rise to thank Mr. Gary Denick for 32 years of outstanding service to the United States government, with the majority of it served here in the U.S. House of Representatives.

Gary began his government career in 1972 as a soldier in the U.S. Army after graduating from Miami University of Ohio. He was trained as a television specialist, served a tour of duty in the Republic of Korea and was honorably discharged in 1975. Three years later, in May of 1978, Gary joined the production staff of the House Recording Studio as a camera operator. The next year he was part of the original television crew that made history providing the first floor coverage of House proceedings.

Over the past 28 years Gary has risen through the ranks to become the director of the House Recording Studio. He has led not by authority, but by example. His management philosophy has been, ''When you have good people just stand out of their way and let them do their job.'' Throughout the most difficult times his motto has been, ''With faith and confidence things always work out.'' The House Recording Studio's record of excellent customer service to Members of the House of Representatives reflects Gary Denick's leadership and vision.

On behalf of the entire House community, I extend congratulations to Gary for his many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish him many wonderful years in fulfilling his retirement dreams.

HONORING THE ARLINGTON COUNTY CIVIC FEDERATION'S 90TH ANNIVERSARY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to commend the Arlington County Civic Federation on the occasion of its 90th anniversary celebration.

Born from a handful of concerned citizens' groups devoted to creating better schools and roads, the Arlington Civic Federation has grown to over 80 organizations as the oldest and longest standing voice in the county devoted to improving residents' lives.

As the boundaries of new civic organizations that comprise the Federation have changed over the years, so too have the boundaries of issues, ideas, and actions the Federation has endorsed and successfully championed for its citizenry.

The Federation has battled for Arlington's citizens on issues ranging from school desegregation, affordable housing, operation of the airport authority, HIV/AIDS, Metro and interstate highways, as well as football and baseball stadiums. Standing up for the ordinary citizen with a non-political, nonpartisan, non-sectarian voice, the Federation continues to improve the quality of life for Arlingtonians and shape public policy from the local to Federal level.

Patrick A. Smaldore Jr., a lifelong Arlington County resident, career civil servant and Naval reservist, now serves the Federation as President.

He is joined by the leadership of Vice President—Jackie Snelling, Treasurer—Frances Finta, Secretary—Burt Bostwick, Chairman of the Executive Committee—Larry Mayer, Vice Chairman of the Executive Committee—Stan Karson and members Eileen Williams, Beth Offenbacker, and Frank Emerson. Their work, along with the 14 standing committees is responsible for engaging new issues as they arise.

With the Commonwealth's coming 400th anniversary, we are reminded of how intimate a role Arlington has played in the shaping of our Nation's history. George Washington, James Madison and George Mason all worked or owned land in the county. As the voice of its people, the Federation also reminds us of the innovation and leadership that will continue to contribute to our future.

Mr. Speaker, I take great pleasure in honoring the 90th anniversary of the Arlington County Civic Federation for its many contributions to public affairs and its ongoing commitment to the people of Arlington County.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MRS. CORETTA SCOTT KING

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2006

Mr. LARSON of Connecticut. Mr. Speaker, yesterday, I attended the heartfelt memorial service of Mrs. Coretta Scott King. Mrs. King was a model citizen and will truly be missed by the Nation. Last week the House debated H. Res. 655, which honored the life and accomplishments of Mrs. Coretta Scott King. This resolution recognized her contributions as a leader in the Civil Rights Movement and expresses condolences to the King family on her passing.

Coretta Scott King was born on April 27, 1927, in Heiberger, Alabama. Mrs. King graduated from Antioch College with a degree in music and education and was granted a scholarship to study concert singing at the New England Conservatory of Music in Boston, Massachusetts. It was in Boston where she met a young theology student, Martin Luther King, Jr., who was attending Boston University, and her life was forever changed. They were soon caught up in a dramatic series of events that sparked the modern Civil Rights Movement. Dr. King was recognized as the face of the movement, called upon to lead various marches from city to city, with Mrs. King right by his side, encouraging citizens, regardless of race, to defy the laws of segregation.

On April 4, 1968, Martin Luther King, Jr., was assassinated in Memphis, Tennessee. Channeling her grief, Mrs. King concentrated her energies on fulfilling her husband's work by building The King Center in Atlanta, Georgia, as a living memorial to her husband's life and dream. However, Mrs. King's greatest accomplishment was yet to come. She set out to establish her late husband's birthday as a national holiday, and that dream came to fruition when Congress declared the first observance of this national holiday in 1986. Today, the holiday is marked by annual celebrations in over 100 countries.

Mrs. King was an influential public figure and is referred to as the "First Lady of the Civil Rights Movement." She was a world-renowned speaker who gave hundreds of speeches both abroad and at home, and was active in organizations such as the National Council of Negro Women and the Women's Strike for Peace. Mrs. King was also known for her writing, most notably for her autobiography, My Life With Martin Luther King. Jr.

Mrs. Coretta Scott King had a vision and she had the wherewithal to keep that vision alive. The journey towards equality for all has been greatly advanced by her work and accomplishments. Mrs. Coretta Scott King is a true American hero and will dearly be missed by her family, the Nation, and the world.

FREEDOM OF RAFAEL IBARRA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to remind my colleagues about Rafael Ibarra, a long suffering and heroic political prisoner in totalitarian Cuba.

Mr. Ibarra heads the 30th of November Democratic Party, an island wide movement dedicated to the establishment of a democratic society, an opposition movement to the Castro tyranny. In 1995 he was sentenced to 20 years in the totalitarian gulag. In 1997, his wife Maritza Lugo, also a highly respected pro-democracy activist, was arrested and incarcerated for 2 years; leaving their 2 daughters without their parents. On multiple occasions after 1999, Maritza would continue to be arrested and harassed by the tyannical regime. Even while they were in prison at the same time, the tyrant insisted on evicting their 2 girls from their small farm house, which had become a gathering point for human rights and pro-democracy meetings.

Mr. Ibarra was one of the political prisoners who signed the Cuban flag painted on a pillow case and sent it to the United Nations Human Rights Commission in Geneva.

Maritza and her two daughters, at Mr. Ibarra's request, fled Cuba as refugees in 2002 to the United States so that the 2 girls would be able to live in freedom.

This year marks an abominable anniversary, the 11th year that Mr. Ibarra has been imprisoned. While other fathers have been able to watch and guide their daughters as they grow up, Mr. Ibarra has been incarcerated in the gulag for daring to dream of and to work on behalf of a democratic Cuba.

Rafael Ibarra is a hero, in the tradition of the great figures of Cuba's long struggle for liberty. Quintin Banderas, Carlos Manuel de Cespedes, Ignacio Agramonte, Antonio Maceo, and thousands of other Cuban heroes established a tradition of heroism that today is being continued by countless men and women who have given their best years and often their lives for the freedom of Cuba. Rafael Ibarra is a hero in that same admirable tradition.

My thoughts and prayers are with him, as is my solidarity and profound admiration. Mr. Speaker, this courageous man is locked in Castro's gulag for failing to keep silent about the nightmare that is the Castro regime. My colleagues, we must never forget those who are locked in gulags because of their desire for freedom for their countries. We must demand the immediate and unconditional release of Rafael Ibarra and every prisoner of conscience in totalitarian Cuba.

GEORGE SOROS' INFILTRATION OF CPAC

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SOUDER. Mr. Speaker, George Soros, the radical liberal financier who dedicated himself to defeating President George W. Bush in the last election, has taken a lesson from Jack Abramoff.

As much of Abramoff's pernicious lobbying technique has come to light, we've seen how he was adept at manipulating certain conservative organizations to pursue a decidedly anti-conservative agenda, namely the promotion of gambling. By working hand in hand with the Traditional Values Coalition, TVC, for example, he was able in 2000 to undermine conservatives' best effort to outlaw on-line gambling. Proxy organizations played a fundamental role in Abramoff's strategy.

Since 1974, the American Conservative Union has held the Conservative Political Action Conference, or CPAC, which is billed as a 3-day meeting for thousands of conservative activists and leaders to discuss current issues and policies and set the agenda for the future.

I myself have addressed the conference in the past.

One can imagine a conservative's surprise to read on the CPAC 2006 agenda that a representative of the Marijuana Policy Project, MPP, is slated to moderate—yes, moderate—a panel Friday discussing drug policy. For those who are unacquainted with it, the pro-marijuana MPP has been funded by Soros in the past. Also represented on the panel is the Drug Policy Alliance, which is Soros' principal pro-drug arm. Incidentally, the moderator himself is a convicted drug dealer.

What on earth were the CPAC organizers thinking? Why would the American Conservative Union allow extremist liberals like George Soros and Peter Lewis—who is responsible for most of MPP's funding—to access a meeting of conservatives? And, in exactly whose estimation would there be balance in a debate moderated by the MPP?

Thanks to Accuracy in Media Report Editor Cliff Kincaid, these are just a few of the questions that the CPAC organizers now face. I'd like to submit into the RECORD his article of February 7, 2006, entitled "Soros Infiltrates Conservative Movement." In exchange for a donation, is this 32-year-old conservative conference turning itself into a Soros proxy organization just like Abramoff's TVC?

Over the last number of months, we've been surprised to learn how one such as Abramoff was able to exploit conservatives for his own purposes. Surely in this environment we can't miss seeing it when it's happening once again.

[From Accuracy in Media, Feb. 7, 2006]

SOROS INFILTRATES CONSERVATIVE MOVEMENT

(By Cliff Kincaid)

Calvina Fay of the Drug Free America Foundation has pulled out as a speaker at the Conservative Political Action Conference (CPAC), which begins in Washington, D.C., on Thursday, because a "mini-debate" she was scheduled to appear in had been stacked against her. As it now stands, the event will feature two advocates of drug legalization, both of them funded by leftist billionaire and anti-Bush activist George Soros.

Having put most of the left-wing political movement and many liberal Democrats on his payroll, it is apparent that Soros is now working to manipulate the conservative movement. It is surprising that CPAC is facilitating his scheme.

A convicted inside trader who specializes in manipulating the currencies of the nations of the world, Soros is usually depicted as a "philanthropist" who believes in an "Open Society." Hence, the name of his major funding mechanism, the Open Society Institute. In the Soros view, of course, an "open society" means encouraging behavior that undermines the traditional values and culture of America. This is hardly "conservative."

In addition to promoting drug legalization, his causes include open borders, gay rights, abortion rights, opposition to the death penalty, lighter sentences for criminals, and assisted suicide. He tried almost single-handedly to buy the White House for Democrat John Kerry in the 2004 presidential election by spending over $20 million on controversial "527" organizations promoting his candidacy. On foreign policy issues, Soros is a big backer of the U.N. and opposes the Bush Administration's war in Iraq and handling of the war on terrorism.

The scheduled Friday CPAC event on "A Conservative Drug Policy" was to feature a mini-debate between Ethan Nadelmann of the Drug Policy Alliance (DPA) and Calvina Fay. The "moderator," hardly unbiased, was scheduled to be Rob Kampia of the Marijuana Policy Project (MPP). The Soros Open Society Institute has given the DPA millions of dollars, including $2.5 million in 2004 alone. MPP has been funded by Soros as well as Peter Lewis, chairman of the Progressive Corporation, who was arrested in New Zealand several years ago after customs officers found marijuana in his luggage. Lewis, who gave $340,000 to MPP in 2004, is also a major funder of the ACLU.

Court documents show that Kampia himself was convicted in 1989 and sentenced to prison for possessing and intending to distribute marijuana.

While paying thousands of dollars to appear at a conservative conference, MPP is selling $500 tickets to a March 30 fundraising "party" at the Playboy Mansion. Playboy founder Hugh Hefner provided the seed money for the drug legalization movement, which is now underwritten mostly by Soros and Lewis.

"Playmates will be available to give tours of the mansion grounds as you enjoy great music and comedy in one of America's most renowned settings," says MPP's website. A member of the "host committee" for the Playboy event is Tommy Chong, who participated in pro-marijuana movies as part of the "Cheech and Chong" team and served nine months in prison for selling drug paraphernalia. You won't need an NSA surveillance program to know what's going on in the Playboy Mansion on March 30.

When Calvina Fay saw that the CPAC "debate" had been stacked against her, she pulled out. However, her group will still have a booth at CPAC. So will the Drug Policy Alliance. Later in the day, after the "debate," Kampia's MPP will host an event for all CPAC attendees and guests on why the war on drugs should not target marijuana users. It is not known if Playmates will appear.

The Drug Policy Alliance also participated in CPAC last year, boasting that Executive Director Nadelmann was "well-received" and "appeared on several conservative radio shows coinciding with the conference."

This is troubling because DPA and MPP are part of a major deception campaign to convince people that marijuana is harmless or even has medical benefits. Accuracy in Media last year disclosed the existence of documentary evidence that the "medical marijuana" movement is a fraud that exploits sick people. Video footage of a pro-marijuana event showed Ed Rosenthal, formerly of High Times magazine, speaking to dozens of marijuana activists. "With all the talk about medical marijuana, I have to tell you that I also use marijuana medically (laughter)," he says. "I have a latent glaucoma, which has never been diagnosed (more laughter). And the reason why it has never been diagnosed is because I've been treating it (laughter). . . But there is a reason why I do use it. And that is because I like to get high. (cheers, applause). Marijuana is fun."

Another video excerpt showed Richard Cowan, former director of the National Organization for the Reform of Marijuana Laws, saying that "The key to it [legalization] is medical access because once you have hundreds of thousands of people using marijuana medically under medical supervision the whole scam is going to be blown. . . Once there's medical access and if we continue to do what we have to do—and we will—then we'll get full legalization." Not surprisingly, a Federal investigation of "medical marijuana" clubs and dispensaries in California has found they had been used as a cover for drug dealing and money laundering.

At the same time, evidence of a connection between marijuana and mental illness continues to mount. The influence of marijuana figures in the sensational murder case of Colin Roger Cotting, a 16-year-old in Alaska who allegedly raped his stepmother, beat her to death with a baseball bat, and stuffed her in a freezer. The murder resulted from a dispute when Cotting was confronted by his stepmother about his marijuana use. Cotting told police that he was too stoned on marijuana to remember what had happened.

In a case that received national attention, Joseph Smith, the convicted killer of 11-year-old Carlie Brucia, tried to blame his criminal behavior on using drugs, including cocaine and marijuana.

British newspapers are now covering a sensational case of "cannabis psychosis," involving a music producer, Lisa Voice, who "was viciously assaulted in her home by a family friend who had been made psychotic by the drug," as the London Sunday Times noted. She suffered a broken jaw, broken nose, collapsed lung, and eye injuries, and has already had 11 medical operations to rebuild her face and head. The attacker had been smoking marijuana since the age of 15 and believed he was getting subliminal messages from television.

In Britain, penalties for the use and possession of marijuana had been lowered after the drug had been reclassified. But Dr. Shahrokh Mireskandari, lawyer for Lisa Voice, was quoted in the Sunday Times as saying, "Let government ministers who say cannabis is a harmless drug come and explain that decision to Mrs. Voice and her many doctors. Cannabis should never have been reclassified and people such as Mrs. Voice now face a lifetime of pain because of the dangers of this drug."

So why is CPAC giving Nadelmann, Kampia and their ilk a platform?

EULOGY FOR CHIEF WARRANT OFFICER 3 MITCHELL "MITCH" CARVER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. TAYLOR of North Carolina. Mr. Speaker, many young men and women have been killed and wounded in the Iraqi conflict—more than 2,000 killed and 17,000 wounded. I'd like today to reprint my eulogy given at the funeral of CWO3 Mitchell "Mitch" Carver as a tribute not only to him and his parents, but as a reminder to all citizens of our country that "freedom is not free."

In Flanders' fields the poppies blow
Between the crosses, row on row
That mark our place, and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

We are the Dead! Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders' fields.

John McCrae wrote those words before his own death on the battlefield nearly 90 years ago. We have learned to protect the lives of our soldiers better. In the war to end all wars, more died in single battles than America has lost in all wars since. America has learned to protect our soldiers better—but not well enough for we are here to pay homage to the life of Mitch Carver. We take pride in reducing our casualties, but the sacrifice of the family is not a small percent, it is not a small loss, it is not a small number. Their sacrifice is enormous, it is total, it is all.

Mitch Carver took up ''The Torch'' for the country he loved. He knew who he was fighting. He was fighting the evil that plants a bomb that kills innocent women and children and families who harm no one. Murderers who kill, kidnap defenseless women and children for no reason but to show evil. He chose to do it. For it is not the press who protect our right to free speech, it is men like Mitch Carver who choose to do it. It is riot the Congress, not the government bureaucrats, who protect us from those who would enslave us. It is men like Mitch Carver who choose to do it. For another time Mitch Carver rejoined his comrades in Iraq because he knew they needed him and he believed he could, with his advanced skill, keep them safer, and perhaps lessen their danger. And that he did. We may never know how many he saved by his advanced skill.

In the 8 years I have been privileged to serve as representative on the board of our country's military academy at West Point, I have seen thousands of young men and women take the oath to protect us. Theirs is a simple pledge: ''Duty, Honor, Country.'' In this world of being told there is no black nor white, there is only gray political correctness and ''is'' has to be defined, I thank God we have young men and women who have no trouble defining ''Duty, Honor, Country.''

The late T.B. Macaulay in his poem Horatius at the Bridge says, ''To every man upon this earth death cometh soon or late. And now how can man die better than facing fearful odds, for the ashes of his fathers and the temples of his gods.'' Mitch Carver believed in and loved God. He knew the Bible. He could quote this verse better than I, ''For God so loved the Earth that he gave his only begotten Son, that whosoever believeth in him should not perish but have everlasting life.'' Mitch Carver risked and gave his life to perform his duty, but as God promised, he did not perish but will remain in our hearts and memories until he meets his family in another life.

CONGRATULATING THOMAS G. BARTON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. POE. Mr. Speaker, I want to congratulate Mr. Thomas G. Barton, Jr. on his recent offer of appointment to the United States Military Academy at West Point. Thomas sought a nomination to West Point through my office, competing with a group of highly qualified applicants. He passed the evaluation process, and I am proud to have given him a Congressional nomination.

Thomas is currently enrolled in the West Point Civil Preparatory Program in Roswell, New Mexico, which speaks volumes about his passion to get into West Point. He has the military in his blood. Thomas's father and brother are both graduates of West Point's distinguished program.

A review of Thomas's life and qualities demonstrate that he should make an excellent cadet at West Point and hopefully an excellent officer. Thomas has a sense of duty to serve, as shown by the fact that he has achieved the elite rank of Eagle Scout. He has shown dedication as a member of the Kingwood High School Lacrosse Team, where he was voted captain by the rest of the team. He has held leadership positions also in the Kingwood High marching band and the Boy Scouts. He won the coveted K Award—for best in class—for Outstanding Musical Contribution.

Mr. Speaker, Thomas is a fine young man who will serve his country with distinction. He understands the challenges and the commitment that lies ahead of him because his family is steeped in military tradation. We wish him good fortune in this new chapter of his life.

Thomas Barton will make us proud. America will be better because of Thomas Barton's choice to serve our country.

CELEBRATING THE 100TH ANNIVERSARY OF TAKAHASHI MARKET

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. LANTOS. Mr. Speaker, it is with great pride that I rise today to congratulate the Takahashi family, proprietors of the Takahashi Market on the 100th anniversary of their operations in the city of San Mateo, California, which is located in my congressional district.

The history of the Takahashi Market begins with Mr. Tokutaro Takahashi, a former salt-mine laborer, who recognized that recently arriving Japanese immigrants in the Peninsula were quickly becoming a burgeoning new market. According to Kenge Takahashi, son of Tokutaro Takahashi, the business began as a peddling operation, with a horse and cart, to display and carry the groceries, clothes and fishing equipment he sold to them.

Mr. Speaker, the Takahashi Market is no longer a mere push-cart shop, but has grown to become an established landmark of the Peninsula, providing groceries and community, not only to the Japanese, but to all people in the Bay Area. Having been run by three successive generations of Takahashis, the business has withstood extraordinary challenges and overcame devastating obstacles. One sad example of this, is that the market was closed for several years in the 1940s when the Takahashi family was interned in the World War II Japanese relocation camps, first in San Bruno, California, and then in Utah.

After being released from the internment camps, Kenge Takahashi joined the Army, and served honorably as an infantryman in the highly decorated, all-Japanese 422nd Regiment of United States Army, F Company. After completing his service, Kenge returned to his family business, and prepared to meet the ever-changing needs of his customers. Over the next few decades the Takahashi Market grew to meet the changing demographics of its clientele and stopped carrying fishing tackle and began stocking Hawaiian food in response to a growing population of a Hawaiian community, resulting from airline hires.

Mr. Speaker, while the Takahashi Market has occupied many storefronts at various locations on the Peninsula during its 100 year history, the store continuously maintain its extraordinary reputation as a reliable, family-owned and run business that specializes in products and foods to sustain the Japanese community, and now also the Hawaiian community. On the occasion of its centennial, Takahashi Market is remodeling to add a commercial kitchen, once again, expanding and diversifying the business to offer prepared foods for sale.

I urge all of my colleagues to join me in recognizing the Takahashi Market for its 100 years of outstanding achievements on the Peninsula and extend my hope that many more generations of Takahashis enjoy the success and community involvement of the Takahashi Market.

TRIBUTE TO THE FOX CHAPEL HIGH SCHOOL MARCHING BAND

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate The Fox Chapel High School Marching Band of Pittsburgh for its success at the Gator Bowl on December 31, 2005.

The Fox Chapel High School Marching Band traveled to Jacksonville, Florida to play in the Gator Bowl. While at the game the bands' performance won nine awards. The band won five awards at the field show, including first place in Class A and also won Outstanding awards for general effect, auxiliary, marching and maneuvering and music. In addition to the five awards won on the field, the band also won four awards at the parade, including first place in Class A, as well as three Outstanding awards.

I ask my colleagues in the United States House of Representatives to join me in congratulating The Fox Chapel High School Marching Band. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute a distinguished group like The Fox Chapel High School Marching Band.

IN RECOGNITION OF LUCY NOLES GREEN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to recognize Ms. Lucy Noles Green, of Randolph County, Alabama. Ms. Green had a very special birthday recently, having turned 105 years old on December 31, a day which she celebrated with family and friends in the Hawk community where she lives.

From 1900 until today, Ms. Green has lived in the Hawk community. She has enjoyed life, and fondly recalls playing the organ and sewing. She has witnessed the introduction of cars, computers, and laundry machines, wars, depressions, and peaceful times alike. She was married to Thomas Emmett Green for sixty years, and together they raised five sons. These days Ms. Green enjoys visitors and family, and her 14 grandchildren.

I am proud to recognize Ms. Green today in the House, and congratulate her on this important milestone in her life. I wish her all the best and many more enjoyable years with her family and friends.

HONORING THE LIFE AND ACCOMPLISHMENTS OF CORETTA SCOTT KING

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Coretta Scott King, devoted wife, mother, grandmother and civil rights leader, whose courageous mission has left an indelible light of peace and justice visible across our country and around the world. Mrs. King gracefully raised aloft the dreams and legacy of the most prominent visionary for social change in our nation's history, her husband, Dr. Martin Luther King, Jr. Their unified mission of peacefully dismantling the racist foundation of America would change the course of our Nation forever.

Mrs. King's entire life was framed by dignity, courage and an unwavering commitment to social justice and humanitarian causes. She grew up working in the cotton fields of Alabama, where she experienced the harsh reality of racism. Taught by her parents that only a solid education could open the door to freedom and opportunity, Mrs. King focused on her studies and graduated with honors from Antioch College in southern Ohio, one of the first integrated colleges in the country. While a student, she joined the NAACP and became deeply involved in the civil rights movement, foregoing a career in music to carry out the work of peace and justice.

The assassination of Dr. King did not diminish her resolve. She courageously forged ahead on the road to justice, despite the danger inherent in her noble cause. As a young widow with four young children to raise, Mrs. King remained steadfast in her commitment to her children and also unwavering in her determination to continue on the path set by Dr. King. She took up the torch of her late husband, holding it high and dignified, exposing a broken society degraded by racism and injustice and illuminating the reality of peaceful change.

Refined, articulate and reflecting a quiet grace, Mrs. King did not retreat from the movement sparked by Dr. King. She deliberately stepped out into the sharp glare of the public and bravely marched on, leading civil protests where her husband had marched before. She led an unrelenting effort to establish Martin Luther King Jr. Day, an endeavor that took her fifteen years and over six million petitions. Determined to keep Dr. King's legacy alive, Mrs. King founded the King Center in 1968, serving as its president for 26 years.

Armed with a sharp mind, a warm smile and a passion for social change, Mrs. King journeyed around the world, speaking to college and church audiences and meeting with world leaders. Mrs. King championed the rights of the poor and advocated for social and economic justice for women and for the protection and rights of gay men and lesbian women. She marched in protest against racial discrimination across the South and was arrested for protesting apartheid in South Africa.

Mr. Speaker and Colleagues, please join me in honor, recognition and memory of Coretta Scott King, whose life mission on behalf of human rights has served to raise the collective conscience of the entire world into the promise of universal freedom from oppression. Mrs. King's brilliant legacy, framed in peace, determination and dignity, will forever resound with the voice of her husband, Dr. Martin Luther King, Jr.—along our urban streets, across the South and around the world—echoing the ongoing struggle for freedom in a chorus of hope that will someday rise with their words on the dawning of a new day of peace and justice for all.

CONGRATULATING THE GAINESVILLE FUTURE FARMERS OF AMERICA CHAPTER AT THE SOUTHWESTERN EXHIBITION AND LIVESTOCK SHOW IN FORT WORTH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate members of the Gainesville Future Farmers of America (FFA) Chapter for their opportunity to exhibit livestock at The Southwestern Exhibition and Livestock Show in Fort Worth.

Seven members of the Gainesville FFA Chapter participated in events in late January. Among the youth project exhibited were five lambs and two goats. Marlee Bell also exhibited a first place spring heifer in the Brangus junior heifer show.

The Gainesville FFA chapter has been attending the Fort Worth Stock show for some time now, and they look forward to continuing their participation for years to come.

This is the 110th year for the show, and is billed as ''the nation's oldest livestock show.'' Participating in the show teaches students agricultural principles along with animal husbandry and livestock judging skills.

I extend my sincere congratulations to these the youth of the Gainesville FFA Chapter for their success and participation. I wish them the best of luck in their dedicated pursuit in future opportunities.

COMMEMORATION OF BOB MARLEY'S BIRTHDAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. RANGEL. Mr. Speaker, today I rise to pay homage to a man who gave a voice to the voiceless first in his native Jamaica and then throughout the world. The legendary reggae singer Bob Marley would have turned 61 on Monday, February 6 and it is appropriate that we pause to recognize the extraordinary impact of his life and work. Not only did Marley define reggae music as we know it today, but he introduced it outside his native land of Jamaica, achieving international superstar status and shaping music on a global scale. His message of freedom and empowerment resonated everywhere and was an inspiration to a generation.

While evolving his sound to encompass rock and African themes, Marley never diluted his message, underpinning his music with the politics and theology of his Rastafarian beliefs and his personal struggles in Jamaica. He has inspired everyone from Stevie Wonder to The Clash with his lyrics.

His music was a social force, calling for opportunity, justice and freedom and challenging those who sought change to act to achieve it. Throughout his career, he was influenced by the gulf between haves and have-nots, a culture of oppression that was particularly evident in his poverty- and crime-ridden homeland. Reggae's mesmerizing rhythms carried an undeniable signature that rose to the fore of the music scene in the 1970s, largely through the recorded work of Marley and his group the Wailers. Some of his albums, such as Natty Dread and Rastaman Vibration endure as reggae milestones that gave a voice to the poor of Jamaica and, by extension, the world. Much of his music today aims to uplift the impoverished and powerless, instilling in them a beautiful sense of dignity in their culture, despite the hardships they encountered in their daily lives. In 1978, he received a United Nations Peace Award for his attempts to calm the warring factions of Jamaican politics and played at Zimbabwe's independence celebrations in 1980, where he came to learn that more Zimbabweans knew the lyrics of his song than they did the words of the national anthem.

Marley died prematurely at age 36 in 1981, after doctors discovered a cancerous growth on his foot haphazardly after a soccer game. Despite his death, the heartbeat reggae rhythms of the music that he left behind continue to thrive today. Moreover, Jamaica itself has been transformed by his legacy. Marley was buried on the island with full state honors on May 21, 1981. In a crowning irony, given the reviled status that Rastafarians and their music had once suffered at the hands of the Jamaican government, Marley's pacifist reggae anthem, ''One Love,'' was adapted as a theme song by the Jamaican Tourist Board.

Bob Marley continues to live today in our hearts and minds, as does his music. With anthems such as ''Get Up Stand'' he continues to fight for those who feel they cannot. With such a vision, Marley continues to be worthy of recognition and remembrance.

TRIBUTE TO TERENCE W. STARZ, MD

HON. MELISSA A. HART

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Terence W. Starz, M.D., who will become the 141st president of the Allegheny County Medical Society on January 28, 2006.

Dr. Starz is an internal medicine physician at University of Pittsburgh Medical Center Presbyterian Hospital. He is board-certified by the American Board of Internal Medicine, with a subspecialty in Rheumatology. He currently serves as a Delegate to the Pennsylvania Medical Society and is a member on the Allegheny County Medical Society Foundation Board.

Over the years Dr. Starz has been influential in the medical field. He was a prominent

figure in the creation of the Obesity Task Force, a collaboration of medical personnel, hospitals and business affiliates, to help identify the cause of obesity and help promote healthy living and eating habits, for adults as well as for children. Dr. Starz stands firm with his view of diversity in the medical profession and disparity of treatment in minority patients.

On Saturday, January 28, 2006, Dr. Terence W. Starz will officially take the stand as the 141st president of the Allegheny County Medical Society.

I ask my colleagues in the United States House of Representatives to join me in honoring Dr. Terence W. Starz, M.D. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a distinguished person like Dr. Starz.

IN RECOGNITION OF DR. GEORGE C. SMITH, SR.

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Dr. George C. Smith, Sr., of Lineville, Alabama. Dr. Smith is a highly accomplished medical doctor and public servant, and will soon be retiring from Clay County Medical Clinics.

In 1965, Dr. Smith began his career as a medical doctor. Dr. Smith was actively involved in the Medical Association of Alabama, the American and Alabama Academies of Family Physicians, as well as other state medical committees. Dr. Smith also served on the city of Lineville City Council from 1973 to 1984, as well as president of both the Alabama Cattlemen's Association from 1985 to 1986 and the Southeastern Livestock Exposition from 1994 to 1996.

Dr. Smith has spent his career helping others, both in the field of medicine and as a public servant in Clay County. His hard work and dedication in public healthcare will certainly be missed. I congratulate Dr. Smith for his many accomplishments over the years, and wish him all the best in his retirement.

IN HONOR AND REMEMBRANCE OF DANIEL D. DRAKE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and memory of Daniel D. Drake, beloved husband, father, grandfather, outstanding educator and administrator, and friend and mentor to countless individuals, in and out of the classroom.

Equipped with a sharp mind, integrity, a kind heart and a strong work ethic, Mr. Drake forged a personal journey lined with educational and professional accomplishments that sprung from humble beginnings. His devotion to public education and community service is framed by his legacy of unwavering commitment and outreach to African-American youth of our community, a commitment that continues to guide our young women and men toward the light of academic and professional achievement. The accomplishments of Daniel D. Drake are numerous and significant. He was a football and track star at East High School in Cleveland, where he graduated in 1951. He was awarded college scholarships in football and track and excelled in both sports at Miami University, where he graduated with a degree in education in 1955. He taught at Thomas Edison School in Cleveland and then became an administrator at Collinwood High School.

Mr. Drake continued his education, earning a master's degree and a doctorate degree in educational administration from the University of Akron. He served as principal of East High School, the Cleveland School of Science and also at John F. Kennedy High School. He also served as a community superintendent with the Milwaukee Public Schools before returning to Cleveland and accepting a faculty position at Cleveland State University. Mr. Drake also founded and served as the first president of the Metropolitan Cleveland Alliance of Black School Educators, whose mission of addressing the needs of African-American students remains unwavering.

Mr. Speaker and colleagues, please join me in honor and remembrance of Daniel D. Drake, whose devotion to his family and to the youth of Cleveland remains a beacon of hope and possibility throughout our community. I offer my heartfelt condolences to his wife of 44 years, Adrienne; to his daughter, Adriana; to his sons, Darian and Daniel; to his three grandchildren, and to his extended family and many friends. Mr. Drake's inspiring vision and steadfast service continues to pave the way for educational and professional opportunities for the people of our community, young and old, and he will be remembered always.

CONGRATULATING THE COOKE COUNTY 4–H AT THE SOUTHWESTERN EXHIBITION AND LIVESTOCK SHOW IN FORT WORTH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate members of the Cooke County 4–H for their opportunity to exhibit livestock and compete at The Southwestern Exhibition and Livestock Show in Fort Worth. Around 30 members of the Cooke County 4–H participated in events in late January.

Special congratulations are in order for additional team and individual winners at the show. Abe Fuhrmann, Garin Taylor, Crystal Fuhrmann and Erin Wyrick won first place for a senior team in the dairy cattle judging contest. Crystal Fuhrmann was also distinguished as the "high point" for an individual senior. Alyssa Smithson, Katherine Parkhill, Justin Smithson and Chris Aitchison comprised the first place team at the junior goat judging contest. Garin Taylor exhibited the "Best of Breed" and "Best Opposite of Breed Palomino" in the Youth Rabbit Show. Taylor's rabbit was also the "Best of Show" second runner-up. Cooper Alexander exhibited the "Best Opposite of Breed Holland Lop," also in the rabbit show.

There were an estimated 10,000 entries by Texas 4–H and Future Farmers of America, FFA, youth at the Fort Worth Stock Show. It is a prestige to have such success for our local youth.

This is the 110th year for the show, and is billed as "the nation's oldest livestock show." Participating in the show teaches students agricultural principles along with animal husbandry and livestock judging skills.

I extend my sincere congratulations to these the youth of the Cooke County 4–H for their success and participation. I wish them the best of luck in their dedicated pursuit in future opportunities.

TWENTY-FIFTH ANNIVERSARY OF MARVIN SCOTT AT WPIX—CHANNEL 11

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. RANGEL. Mr. Speaker, today I rise to recognize a passionate newsman, Marvin Scott of WPIX—Channel 11, who has dedicated more than 35 years to bringing accurate and unbiased news to all New Yorkers and to enter into the RECORD a Daily News article commemorating Scott's career. Last year marked a great milestone—Scott's 25-year anniversary at WPIX.

For the last quarter century, New Yorkers have welcomed Scott into their homes each evening because the Bronx-born reporter has had his finger on the pulse of the community. From a very young age, Scott wanted to be a reporter. His dream actually started when he sold a photo of a Bronx fire to the Daily News and upon return from the fire, held his first "news broadcast" to his Bronx neighbors, Scott jokingly recounts. Throughout his career, which first began in radio but then WNYW—Channel 5 before his arrival to WPIX—Channel 11, Scott has covered space shuttle launches, interviewed world and local leaders, and most recently traveled to Iraq and spent Christmas with U.S. troops. It is this type of sacrifice and sensitivity that has made Scott an informative and integral part of the New York City media.

One such story that is a testament to Scott's remarkable ability to connect with his viewers is the story of Stephanie Collado, a young girl from Brooklyn who years ago needed a heart transplant. Scott reported on her family's plight and remains in touch with Collado even today, years after the operation. As Scott says, he continues to live his dream. Hopefully, he will do so for many more years to come.

[From the New York Daily News, Nov. 28, 2005]

GREAT SCOTT! 25 YRS. AT 'PIX

(By Richard Huff)

Marvin Scott and a few close friends will gather today to mark a rare milestone in television—a quarter of a century at one station.

The Bronx-born reporter has been with WPIX/Ch. 11 for 25 years, and spent 10 years before that with WNYW/Ch. 5. He was in radio even before that.

"I had a dream of someday being able to be a reporter in New York," said Scott. "A role model of mine as a kid was Gabe Pressman [now at WNBC/Ch. 4] and now Gabe is a contemporary and a friend."

Scott's dream to be a reporter actually started when he sold a photo of a Bronx fire to the Daily News. He made $27 for the sale.

His first news broadcast, he joked, was when he returned from the fire and delivered the details to his neighbors at Mount Eden and Townsend Aves., in the Bronx.

Decades later, his audience is bigger, of course.

''I do it for the adrenaline and a love for what I do,'' he said. ''I could not think about doing anything else. No two days are alike.''

Scott's a stickler for details. Indeed, he's been keeping track of every story he's done for years. He figures he's told more than 4,600 stories in 25 years. ''Sure, some are clunkers,'' he said. ''I'll never turn down an assignment.''

Scott says he's been on the front line of history. He's covered Space Shuttle launches, interviewed world leaders and spent Christmas last year with soldiers in Iraq. ''I'm a story teller,'' he said. ''Every day I tell a story that runs from a minute-and-a-half to three minutes.''

One story that has stuck with him for years concerns Stephanie Collado, a young girl from Brooklyn who needed a heart transplant. He followed her story from her mother's pleas for help, to the operation and the years after. He still talks to Collado from time to time.

''It was human,'' he said. ''It was a human story about a little girl in need. Adults would not have handled it as courageously as she did.''

The key to survival is being a good writer, and being sensitive, Scott said. That's advice he gives all young journalists, including his daughter Jill Scott, a reporter for New York 1 News.

''I'm most proud of the fact that she did it on her own,'' Scott said. ''She made her own opportunities and she got noticed. It makes me so proud.''

And no, even though many of those who started out in the business when Scott did have thrown in the towel, he has no intention of stepping aside anytime soon.

''I just feel blessed,'' he said. ''I am a kid from the Bronx and I'm continuing to fulfill my dream.''

TRIBUTE TO JEFFREY SEBASTIAN

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the recipient of the 2005 Milken Family Foundation National Educator Award, Jeffrey Sebastian.

The Milken National Educator Award is the largest teacher recognition program in the U.S., and honors K–12 teachers, principals, and specialists across America with $25,000 individual awards. Milken Educators are recommended by a blue ribbon committee of education and policy leaders appointed by each state's department of education. The final selections are made in the fall by the Milken Family Foundation.

Jeffrey Sebastian, a teacher at Quaker Valley High School in Leetsdale, Pennsylvania, was one of the recipients. Having received this award, Jeffrey will participate in the annual Milken National Education Conference this spring in Washington, DC.

I ask my colleagues in the United States House of Representatives to join me in honoring Jeffrey Sebastian for all of his hard work in education. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a dedicated individual like Jeffrey.

IN HONOR AND REMEMBRANCE OF GEMMA SZABO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of my dear friend, Gemma Szabo of North Olmsted, Ohio—loving mother, grandmother, great-grandmother, dedicated community volunteer and activist, and dear friend and mentor to many.

Family, faith and community were central to her life. A united team, Mrs. Szabo and her beloved late husband, Charles J. Sr., raised their five children: Charles Jr., Gary, Johanna, Tim and Peter, and were a consistent source of strength for them, for their grandchildren and for their great-grandchildren. For many years, Mrs. Szabo worked as a school crossing guard. Aside from her family and work, Mrs. Szabo's energy, generous heart and willingness to make a difference led her to volunteer her time and talents throughout her community. Spiritual and devout, Mrs. Szabo was a long-time member and leader within her parish, St. Richard Catholic Church, where she was an active member of the Ladies Guild.

Mrs. Szabo's endless energy, sharp mind and quick wit easily drew others to her. A staunch Democrat, Mrs. Szabo was a life-long member of the North Olmsted Democratic Club and was a Ward Leader for several years. She had the unique ability to inspire and motivate others, recruiting numerous friends and neighbors to become involved in the election process. Mrs. Szabo forged indelible bonds with civic and political leaders that extended from North Olmsted City Hall to Cleveland City Hall.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Gemma Szabo. Her unwavering commitment to her family, friends and to her community framed her life and served to make a difference within the lives of countless individuals, including my own life, and Gemma Szabo will be remembered always.

IN RECOGNITION OF STEPHEN J. WHITE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ROGERS of Alabama. Mr. Speaker, Sergeant First Class Stephen J. White, 39, of Talladega, Alabama, died on January 5, 2006, in Iraq. Sergeant First Class White was assigned to the Third Battalion, 16th Field Artillery, Second Brigade Combat Team of the Fourth Infantry Division based in Fort Hood, Texas. According to initial reports, Sergeant White died when an improvised explosive device detonated near his convoy. His survivors include his wife and seven children.

White was a devoted husband, father, and member of the community, Mr. Speaker. Honorable service to our nation characterized his long career in the Army, which spanned 20 years and four previous tours of duty.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. This Nation will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve.

Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

CONGRATULATIONS TO THE CITY OF DENTON PARKS AND RECREATION DEPARTMENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the City of Denton Parks and Recreation Department on their receipt of National Recreation and Park Association's 2006 ''Excellence in Aquatics'' award in the Class IV population category.

To receive this honor, agencies must prove a commitment to excellence in aquatics facilities and programming for the community. The programming must be comprehensive with an emphasis on aquatic recreation as a lifelong choice for personal and family recreation. The agency must also have a professional training program that assures the highest quality staffing, plus outreach programs outside its own facilities. Professional staff is also required to show involvement in aquatics activities at the local, State, regional, or national levels over the last 5 years. Facilities and programs must also be fully accessible for people with disabilities.

The award will be presented during the National Aquatic Conference at the Association's annual conference held at the Austin Convention Center in Austin, Texas on March 3, 2006.

I am honored to represent a city that truly cares for providing for its citizens the best in quality recreational activities. It is a mark of a caring community. I extend my sincere congratulations to Mayor Euline Brock and the City of Denton Parks and Recreation Department for their service to the community by maintaining a level of excellence worthy of such an award.

THE NEW MARKETS TAX CREDIT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I commend my colleagues to an article entitled, ''Luring Business Developers Into Low-Income Areas'' that appeared in the New York Times on Wednesday, January 25, 2006.

The article details how the New Markets Tax Credit is transforming low-income urban and rural communities across the United States. The New Markets Tax Credit works by providing investors with a tax credit worth thirty-nine cents over seven years for every dollar in private capital they invest in economically distressed communities.

These investments flow to the low-income areas through intermediaries called Community Development Entities or CDEs. The CDEs are extremely knowledgeable about the communities they serve. They also are very experienced in providing the types of patient, flexible capital which conventional lenders and investors are unable to provide directly in that market.

The empowerment of CDEs is just one example of what sets the New Markets Tax Credit program apart from other anti-poverty initiatives. It also makes sense from a business standpoint since it helps to manage the risk to investors, many of whom had never before invested in a low income community.

In Kentucky, the Credit is being utilized to finance economic development projects, invest in new and expanding businesses, provide community services including health care and child care, and create new jobs. Since the first allocations were awarded in March 2003, seven Community Development Entities in Kentucky have been awarded a total of $153 million.

These investments are supporting a wide range of projects in Kentucky, particularly in rural areas where the need is so great. Community Ventures Corporation, a CDE based in Lexington, is using the Credit to enable a coffee company to purchase land in West Louisville, build a new 17,500 square foot facility, and renovate a 4,000 square foot structure. The new business site is located in a census tract where the poverty rate is 44.8%. This project doubled the number of employees at the company, enabling it to develop new product lines, allowing it to start a new division to refurbish coffee-brewing equipment, and even made possible the enhancement of its employee-training program.

Another Kentucky-based CDE, Kentucky Highlands Investment Corporation, was awarded $22 million in New Market Tax Credits last year. It plans to use its allocation to invest in health-related businesses and health care facilities throughout rural Eastern Kentucky where many counties are considered to be medically underserved.

In September, I introduced a bipartisan bill, H.R. 3957, which extends the Credit for five years. I hope my colleagues will take some time to read the attached article, learn more about how the program is improving economically distressed urban and rural areas across America and support our efforts in Congress to extend this program.

[From the New York Times, Jan. 25, 2006]

LURING BUSINESS DEVELOPERS INTO LOW-INCOME AREAS

(By Lisa Chamberlain)

When the low-income housing tax credit was created in 1986, it took years for developers, investors and advocates to understand the program and to learn how to make the most use of it. Now it is one of the most important tools for low-income residential real estate, responsible for creating approximately 1.5 million units of affordable housing to date.

Advocates of a little-known development tool called new-market tax credits, the only federal tax credit program for commercial projects in low-income areas, believe the same thing is beginning to happen with commercial real estate. Efforts are already under way to reauthorize the program, which expires next year.

Enacted in December 2000, the new-market tax credit program is helping to create jobs and revitalize streets and even entire downtowns. Projects large and small that most financial specialists agree would never come to fruition otherwise are taking shape because of tax credits worth $500,000 to $150 million and even more.

For instance, the tax credits are currently financing the rebuilding of a butter manufacturing cooperative in New Ulm, Minn., that was damaged in a fire. The loss of the cooperative put 130 people out of work, caused economic hardship for 400 family farms and indirectly affected hundreds more jobs in the low-income rural area.

Just south of the central business district in Grand Rapids, Mich., is a nearly completed arts-related mixed-use redevelopment project in an area largely abandoned since the 1950's. Called Martineau Division-Oakes, the 12,000-square-foot commercial space is occupied by the art department of Calvin College and a cafe. There are also 23 spaces for artists to live and work in. Once the project got off the ground, the city committed $2 million to landscaping, repaving, new lighting, signage and sidewalk improvements in the development's neighborhood.

''It's a very flexible and powerful program,'' said Robert Poznanski, president of the New Markets Support Company, one of the main recipients of credits from the Treasury Department, which administers the program.

''It's driven by market forces. The federal government doesn't say, 'Use it for this type of business.' It can be used for commercial real estate, a charter school or a community center, as long as the application is competitive and the project is in a low-income area as identified by census tract data.''

Tax credits make riskier projects more viable by reducing the debt associated with development costs. Private investors pay less in taxes and the developer passes the savings on to the community by, for example, lowering rent per square foot.

The federal program will allocate up to $15 billion in tax credits to community development groups over seven years to make businesses or commercial real estate projects in low-income areas more attractive to private investors. Applicants vie for the credits, and so far the process has been highly competitive. In the first three rounds of allocation, beginning in 2003, demand for the credits has outpaced supply by 10 times, according to figures provided by the Treasury Department. Though the tax credits can be used for business development, the majority are used for commercial real estate because of the way the program is structured.

The most recent allocation was completed last fall, bringing the total disbursement to $8 billion to date. Recipients have five years to use the tax credits to attract private investment, or they are withdrawn and can be reissued elsewhere through 2014.

Dennis Sturtevant, president of Dwelling Place, a nonprofit community development organization, spearheaded the Martineau Division-Oakes project in Grand Rapids. The project used historic tax credits and other grants, in addition to new-market tax credits, to generate $2.2 million in equity from National City Bank.

''When you're talking about tough neighborhoods and all the costs associated with renovating dilapidated, obsolete buildings with lead and everything else,'' Mr. Sturtevant said, ''you need to combine all these resources to make it work.''

Sean P. Welsh, regional president of National City Bank, said: ''It required a lot of creativity. It's complicated, but it's really driving a lot of the urban redevelopment in this and other areas around the country.''

One deal that most everyone agrees would have never happened were it not for the tax credits is Plaza Verde in South Minneapolis. Formerly an abandoned building in a low-income Hispanic neighborhood, it is now a 43,000-square-foot business incubator, with locally owned retailing on the ground floor, office space on the second level and a theater company on the top floor.

JoAnna Hicks is the director of real estate for the Neighborhood Development Center, the nonprofit organization that spearheaded Plaza Verde. Even after expenses were deducted, including legal fees, new-market tax credits created almost $1 million in equity for a project that cost $4.2 million total.

''Because it's such a complicated financial tool, it's hard for small nonprofits to use,'' Ms. Hicks said. ''But now that we understand it better, we're able to apply it to other projects as well.''

Using another allocation of the tax credits, Ms. Hicks's organization has also undertaken the development of a nearly completed public market, called Midtown Global Market, a $17 million project that will be home to more than 60 vendors selling fresh and prepared foods, as well as handmade arts and crafts.

As the program has only begun to mature, larger projects are just getting under way. Bridgeport, Conn., is undertaking a major redevelopment of its downtown, with approximately 25 percent of the financing coming from new-market tax credits. The total project is estimated to cost up to $150 million.

''If structured properly, it makes a real difference between a scary development and the deal not being done at all,'' said Kevin Gremse, director of the National Development Council, which provides financial advice and services to municipalities.

Mr. Gremse used his organization's new-market tax credit allocation to attract a New York City-based private developer, Eric Anderson of Urban Green Builders, to take on the task of reviving downtown Bridgeport, which has suffered years of decline.

Advocates are cautiously optimistic that the program will be reauthorized in 2007. Congress recently passed a bill to assist Gulf Coast states with rebuilding efforts after Hurricanes Rita and Katrina, which included $1 billion more for the new-market tax credit program geared toward that region.

''The fact that Congress expanded the program is a good sign,'' said Robert Rapoza, who manages the New Market Tax Credit Coalition, an advocacy organization pushing for the program's reauthorization. ''But we have work to do. This is a new tool and government-sponsored finance is relatively uncommon. We're continuing to put together data to strengthen our case.''

Of course, it helps to have banks advocating for the tax credit as well. As one of the more active players in the tax credit industry, Zachary Boyers, a senior vice president of US Bank in St. Louis, closed more than 50 deals involving new-market tax credits in 2005 alone.

''The banking community is behind this,'' Mr. Boyers said. ''We are deeply involved in spreading the word. We are working on ways to quantify its impact, which is not easy to do. But other investors, including banks and large corporations, would confirm that they would never be investing in these projects without it.''

TRIBUTE TO RYAN PATTON

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate and welcome home Ryan Patton from Iraq.

Sergeant Ryan Patton has returned home after spending a year serving his country patrolling the streets of Baghdad. Sergeant Patton was part of the 458 Engineers Unit of the U.S. Army Reserve, and found out he was going to be deployed to Iraq in November 2003. After months of training Sergeant Patton left for Iraq in March 2004. Sergeant Patton left his wife and two young children to defend his country.

Sergeant Patton has returned to his family life, and his old job as the assistant manager at #1 Cochran's Collision Center in Monroeville, Pennsylvania.

I ask my colleagues in the United States House of Representatives to join me in honoring Sergeant Ryan Patton for all of his work and dedication to defending our country. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a dedicated soldier like Sergeant Patton.

IN RECOGNITION OF 150TH ANNIVERSARY OF AUBURN UNIVERSITY, AUBURN, ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Auburn University on its Sesquicentennial Celebration. On February 1, 1856, then-Governor of Alabama, John Winston, signed a charter that established the East Alabama Male College, a small, private male liberal arts college. One hundred fifty years later, Auburn University has become one of the pre-eminent research universities in the South, and most certainly one of our state's most proud and cherished institutions of higher learning.

The University was founded on a three-part mission: instruction, research and outreach. Auburn maintains this mission to this day, boasting an enrollment of over 23,000 students and employing a highly talented faculty of over 1,200. Many of its 13 schools are ranked among our nation's best, and its athletic program certainly is cause for celebration for thousands and thousands of fans and alumni every year.

I am honored today to congratulate Auburn University on its first 150 years, and am proud and humbled for the opportunity to represent its students, faculty and administrators here in the House of Representatives. I thank the House for joining me for this important occasion, and wish Auburn all the best in its next 150 years, here in the ''loveliest village on the plains.'' War Eagle!

IN HONOR AND REMEMBRANCE OF DR. CARMELITA A. THOMAS, PRESIDENT OF TRI-C WEST

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Dr. Carmelita Thomas, beloved wife, mother, grandmother, sister and friend. Dr. Thomas leaves behind a remarkable legacy of leadership, accomplishment and activism on behalf of higher education and throughout our Cleveland community.

Dr. Thomas was born and raised in northern Italy. Her family emigrated to Cleveland when she was a high school senior, yet she quickly overcame the challenges of a new culture and language and graduated with her class from Warrensville Heights High School. With a steady focus on academic achievement, Dr. Thomas earned several bachelors, masters and doctoral degrees from the University of California at Los Angeles. After many years in leadership roles at the Los Angeles Community College District, Dr. Thomas brought her passion, knowledge, expertise and energy to Cleveland, where she served as the President of Cuyahoga Community College, Western Campus, where 12,000 students enroll each semester. Dr. Thomas was respected and admired by colleagues and leaders in both the public and private sectors. Her unwavering focus on improving the College is reflected throughout the Campus. Because of her direction, Tri-C's Western Campus is now a training center for digital technology for visual communication and also includes cutting-edge medical technology used to train health care professionals, such as electroneuro technology and diagnostic sonography.

Dr. Thomas' commitment to others extended beyond the campus of Tri-C. Her boundless energy and commitment to making a positive difference is evidenced within her activism and volunteer service on many local boards and organizations, including her service as a member of the Board of Trustees at St. John Westshore Hospital; the Parma Area Chamber of Commerce; the American Council on Education; and the American Council for International and Intercultural Educational Organizations. Dr. Thomas' personal interests mirrored the passion and energy she committed to her profession, and ranged in scope from travel, to cooking, to the classical arts.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Dr. Carmelita A. Thomas. I offer my deepest condolences to her husband of 45 years, James E. Thomas; to her daughters, Sondra and Sonia; to her sons-in-law, Timothy and Jim; to her grandsons, Jeremy and Bradley; to her brothers and sisters; and to her extended family members and many friends. Her numerous accomplishments, marked by personal and professional integrity, served to make a positive difference in all areas of higher education throughout the Western Campus of Tri-C and throughout our entire community, and she will be remembered always.

HAPPY NEW YEAR TO THE ORGANIZATION OF CHINESE AMERICANS

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. HART. Mr. Speaker, I would like to wish the membership of the Organization of Chinese Americans a healthy and happy New Year for the year 4704, the year of the Dog.

The New Year is a time for reflection and thanksgiving for the joys of life and loved ones and I am thankful for the richness that this organization brings to my region. Chinese Americans have made great contributions of western Pennsylvania and to our nation as a whole and I am very honored for this opportunity to wish them the best year yet in 4704.

I ask my colleagues in the United States House of Representatives to join me in wishing the members of the organization of Chinese Americans a very happy and prosperous New Year.

IN RECOGNITION OF LAURA STEELE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ROGERS of Alabama. Mr. Speaker, it is my honor to pay tribute to Miss Laura Steele, an Auburn University student who recently led an effort to change the University's ''Holiday Tree'' back to its more traditional name, ''Christmas Tree.''

In December of 2005, Miss Steele took issue with an attempt to rename the school's traditional tree. In a widely publicized initiative, Steele, a senator-at-large and Chairwoman of the Auburn College of Republicans, introduced a resolution before the Student Government Association calling for the more traditional ''Christmas Tree'' name to be restored for use at Auburn.

Her campaign gathered hundreds of signatures in support of the effort, and led to more than 20,000 calls of support to student leaders. She garnered the support of our state legislators, Governor Riley, and influential leaders across our state and around the world. I was delighted to see her resolution adopted, and am pleased that next year Auburn's tree will once again be known as its Christmas Tree.

We are indeed proud of Miss Steele. Her efforts to recognize and promote the true meaning of Christmas here at Auburn should serve as a reminder for us all that our belief in the Almighty is one of the core strengths of our nation. I applaud her efforts, and congratulate her for her leadership, her courage, and abiding faith.

TRIBUTE TO HARRY LESTER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. LEVIN. Mr. Speaker, I rise today to honor the career of Harry Lester upon his retirement as the Director of District 2 of the United Steelworkers of America.

Mr. Lester has dedicated his life's work to the well-being and safety of steelworkers. The son of a West Virginia coal miner, who was tragically lost in a mining accident, Mr. Lester grew up to be a leading advocate for protecting the rights of steelworkers through the creation and preservation of decent wages, health benefits, workplace safety regulations, and education opportunities.

Mr. Lester began his career as an engineer with the McLouth Steel Corporation in Trenton, Michigan, in 1954 and rose to national attention in the 1980s for his leading role in the fight to save the company from bankruptcy and to preserve the jobs of its 3,600 steelworkers. As the USWA District Director and a member of the McLouth Steel Board of Directors, Mr. Lester orchestrated in 1988 the largest employee stock buyout of the time. While the company ultimately closed its doors in 1994, he has never ceased in his efforts to preserve the United States' steel industry and to provide for the rights of USWA members.

Notably, Mr. Lester engineered a Voluntary Employee Benefit Association plan and negotiated Cooperative Partnership Agreements between USWA members and National Steel Corporation. As steel companies consolidated, Mr. Lester worked at the negotiating table to guarantee that these protections were not lost. The language he ensured in these negotiations for workplace health and safety was recognized by the Supreme Court as the standard for workers. He has extended his championing of workers' rights into negotiations with Dow Chemical, National Standard, Quanex, and DSC, Ltd.

In addition to his commitment to his fellow workers, Mr. Lester has been a vigorous citizen of Michigan and is deeply committed to improving education and health in the State of Michigan. He and his wife established the Harry E. & Mary E. Lester Scholarship Fund for Steelworker Children to provide scholarship opportunities for the children of steelworkers in District Two. He was appointed by three governors to serve on the Huron-Clinton Metropolitan Authority's Board of Commissioners and serves as a board member to many distinguished organizations, including the United Way of Michigan, the Michigan State AFL–CIO Board, the National Kidney Foundation of Michigan, and the Greater Detroit-Area Health Council. Mr. Lester initiated and co-chairs the Annual Downriver Community Prayer Breakfast in Southgate, Michigan, and holds the rank of ''Ambassador'' for the Detroit Muslim Temple of the Shrine. Recently, Mr. Lester was granted an Honorary Doctorate Degree in Humanities from Michigan State University.

Harry Lester often stood at the intersection of workers' rights and public policy. He understood that federal trade policy, and especially unfair trade practices of other nations, dramatically impacted the industry in which he worked and he was tireless in his efforts to impact change in Washington, DC. He also understood the real impact of federal policies on workers and their families when it came to retirement security, pensions and health care. He was passionate and articulate both in terms of impacting legislation, and informing his membership of the importance of those policies on their work and family life.

Mr. Speaker, I have been privileged over the years to work with Harry Lester, to observe his leadership and to call him a friend, I ask my colleagues to join me in paying tribute to Harry Lester for his decades of tireless and effective service to our Nation's workers.

TRIBUTE TO ALYSSA IMLER

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Alyssa Imler, a teacher at Our Lady of the Most Blessed Sacrament in Harrison, for her 2006 Disney Teacher of the Year Award nomination.

Imler has a unique method of teaching which keeps the students engaged in learning. She was nominated for this award anonymously by one of her students. If Imler is among the 40 Teacher of the Year honorees, she will be flown to Los Angeles for a red-carpet recognition ceremony. The honorees and their principals will participate in a week long educators conference. Honorees will also receive $10,000 while their schools will receive $5,000.

I ask my colleagues in the United States House of Representatives to join me in congratulating Alyssa Imler and her 2006 Disney Teacher of the Year Award nomination. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a dedicated individual such as Alyssa Imler.

VIOLA GEORGIAN BALESTRERI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the life of Viola Georgian Balestreri, who passed away on January 25, 2006 in Carmel, California, at the age of 92. Viola was born on September 19, 1913 in Brooklyn, New York to Amelia and Aniello Crispo and was the only girl among 11 brothers—a special child, indeed! After the death of her husband Vincent Balestreri, whom she married in 1938, she moved to Carmel in 1957. She taught at Junipero Serra School for many years while raising her two children, to whom she was devoted.

Viola was a strong woman who never criticized or said a harsh word about anyone. She was eternally optimistic and grateful for her family and the blessings in her life. She was a loving mother, mother-in-law, grandmother, sister and friend.

Her son, Ted Balestreri, owner of the famed Sardine Factory restaurant in Monterey, has been a good friend of mine and I grieve with him over the loss of his mother. I wish to extend my deepest sympathies to Ted and the entire Balestreri family on the loss of this beloved woman.

HONORING THE LIFE AND ACCOMPLISHMENTS OF CORETTA SCOTT KING

SPEECH OF

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2006

Mr. FATTAH. Mr. Speaker, I rise today to pay homage to Coretta Scott King, a great leader in the movement for civil and human rights on the occasion of her passing.

Known first as the wife of Dr. Martin Luther King, Mrs. King's commitment to the struggle for all people continued throughout her life. Attending Antioch College in Yellow Springs, Ohio, Coretta Scott King earned a Bachelor's Degree in music and education, skills she used to organize Freedom Concerts to benefit the Southern Christian Leadership Conference. Serving as a delegate from Women Strike for Peace at a 1962 Disarmament Conference in Geneva, Switzerland, Mrs. King demonstrated her commitment to working for peace and justice worldwide.

Following the tragic murder of her husband, Coretta Scott King committed herself to promoting Dr. King's principles of nonviolence and social justice. First, in establishing the King Center for Nonviolent Social Change, which has trained tens of thousands of people in the philosophy and methods of Dr. King, she has been able to preserve and further his legacy. Second, she served as chair of the Martin Luther King Jr. Federal Holiday Commission and worked for the national recognition of Dr. King's birthday.

In addition to working for the recognition of her husband's legacy, Mrs. King was always a tireless advocate for the abolition of Apartheid in South Africa, women and children's rights, gay and lesbian dignity, full employment and ecological sanity. In recognition of this work, Coretta Scott King has lead goodwill missions across the globe consulting with world leaders. In addition, the American Library Association has awarded Coretta Scott King Awards to more than 175 books written or illustrated by African Americans that promote understanding and appreciation for all cultures and demonstrate commitment to equality and justice.

Surely the passing of Coretta Scott King is a great loss to this Nation and the world. Mrs. King demonstrated a resilience and commitment to the ideals of equality and justice that has been matched by few and we all owe her a debt of gratitude.

TRIBUTE TO THE SISTERS OF ST. EMMA ON THEIR 75TH ANNIVERSARY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Sisters of

St. Emma for their 75th anniversary this month.

Many in western Pennsylvania are familiar with the Sisters of St. Emma's years of service at Saint Vincent College and Arch abbey, where until 1987 they prepared and served thousands of meals to students, the Benedictine Brothers, and even to the Pittsburgh Steelers during their Summer Training Camps at Saint Vincent. From 1987 until the present, the Sisters of St. Emma have continued to be a vibrant part of the area by operating a thriving retreat house just outside of Greensburg, PA. At the retreat house, the Sisters prepare meals, offer hospitality, and a place for hundreds of people annually who come to Saint Emma for Spiritual growth and fulfillment.

I ask my colleagues in the United States House of Representatives to join me in congratulating the Sisters of St. Emma for their 75th anniversary. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute a dedicated community such as the Sisters of St. Emma.

IN RECOGNITION OF RUTH COTNEY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to a dedicated public servant and member of the community, Ms. Ruth Cotney, of Chambers County, Alabama. Ms. Cotney is a well-known and highly respected individual who has served her community, held public office, and is now completing her 50th year of employment at the Chambers County tax office.

In 1955, Ms. Cotney began her career at the Chambers County Courthouse in a time where most tax bills were written by hand. In 1979, Ms. Cotney was appointed by Governor Fob James to replace the retired tax collector. She completed the balance of the term, ran again, and won in 1984 for a 6-year term. She retired in 1991, but continues to work part-time at the tax collector's office.

I am proud to recognize Ms. Cotney today in the House, and congratulate her on her long and fulfilling career in service to the people of Chambers County. I wish her many more years of continued success and service.

SERGEANT HENRY PRENDES MEMORIAL ACT OF 2006 INCREASES PENALTIES FOR COP KILLERS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. PORTER. Mr. Speaker, I am proud to introduce the Sergeant Henry Prendes Memorial Act of 2006 today. This legislation will create a new Federal criminal offense for the killing, the attempt to kill or conspiring to kill, any public safety officer for a public agency that receives Federal funding. This would include State and local police officers, judicial officers, judicial employees, and firefighters

Mr. Speaker, simply put, this legislation makes it a Federal crime to kill a public safety officer of any type. Under this legislation, a criminal convicted of the above charges will be punished by a fine and imprisonment for no less than 30 years, or for life, or sentenced to death.

I have named this vitally important piece of legislation after a constituent of mine, SGT Henry Prendes. Sergeant Prendes of the Las Vegas Metropolitan Police Department, was killed in the line of duty on Wednesday, February 1, 2006.

SGT Henry Prendes joined the Las Vegas Metropolitan Police Department on February 26, 1991. He spent his first years patrolling the east Las Vegas neighborhood surrounding Charleston and Lamb Boulevards and was quickly promoted to Field Training Officer. On January 2, 1999, after working 1 year for the narcotics office as a detective, Henry Prendes was promoted to sergeant. As a sergeant he worked for the Crimes against Youth and Family Department, and later as Patrol Sergeant in the South West Area Command.

Sergeant Prendes was a native of Nevada and graduated from Las Vegas High School where he was vice president of his senior class and captain of the football team. He is survived by his wife Dawn and two daughters from a previous marriage, Kylee and Brooke. Sergeant Prendes, along with his family, was a devoutly religious man. He engaged in bible study at home with his wife and mentored children in his spare time. Before he died, he was in the process of building a 17-acre youth camp in Montana called, Creation Camp Jesus.

SGT Henry Prendes could be described as everyone's friend, always having a smile on his face, and always helping those in need. Some help people because they are police officers, but Henry was a police officer to help people.

Mr. Speaker, the pride I feel today in introducing this vitally important piece of legislation is overshadowed by the sorry I feel for the entire Prendes family.

INTRODUCING H.R. 4710, THE JUDICIARY RENT REFORM ACT OF 2006

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SENSENBRENNER. Mr. Speaker, today I rise to introduce H.R. 4710, the "Judiciary Rent Reform Act of 2006." The purpose of this legislation is to ensure the rent paid by the Federal judiciary is rationally and equitably related to the actual costs of providing their facilities.

It may shock Members to learn that this is not the case nor has it been for some time. In fact, the Federal judiciary pays the General Services Administration (GSA) hundreds of millions of dollars more each year than the actual costs of maintaining and operating buildings. Chief Justice Roberts has characterized this practice as resulting in the judiciary being used "as a profit center for GSA."

By law, GSA is authorized to establish the rent to be paid by the judiciary. GSA's rates are supposed to approximate commercially equivalent rates. Their charges are not subject to negotiation.

Since 1986, the judiciary's annual rent payments to GSA have increased from $133 million to almost $920 million. As a percentage of the judiciary's operating budget, these payments have climbed from 15.7 percent to 20 percent. In contrast, rent for executive branch agencies averages less than one percent of their budgets and no department is charged more than 3 percent.

To cope with soaring GSA rent payments, the courts have been compelled to make difficult choices, including a decision over 18 months to reduce employee ranks by 1,850 positions—a full 8 percent of on board staffing levels.

Consider the irony: the staffing required by the Judiciary Branch is compromised because the Executive Branch charges our courts too much for rent.

In the absence of a swift Congressional response to redress this imbalance, there is little doubt that the continued budgetary pressures, which will result from constantly rising rental costs, will cause the loss of even more court personnel.

The administration of justice should not be compromised because our courts are denied the ability to contain their rental costs. The judiciary has taken available action to reign in these expenses, including adopting a 24–month moratorium on new construction and requesting rent relief from GSA. To date though, GSA has refused to work with the courts in any meaningful way to find a solution.

As Chairman of the Judiciary Committee, I believe Congress has a duty to act to ensure the fair, efficient, and equitable adjudication of all legitimate issues brought before the courts. The use of the courts as a "profit center" can no longer be tolerated.

The bill I am introducing today will put an end to this practice by replacing the "commercially-equivalent" rent calculation that GSA has used with a requirement that the courts pay only for the actual operating expenses incurred in providing space. This simple change will result in a dramatic savings in the judiciary's rent expense.

This change will also give the judiciary needed flexibility, accountability, and responsibility for balancing the requirements imposed by their capital costs, personnel, and nonsalary expenses.

The courts are best positioned to know whether the administration of justice will benefit more by hiring new personnel than by constructing a new courthouse or renovating an older one. Our courts should be empowered to make the decision that is in the public interest and that is most likely to enhance their ability to adjudicate and resolve cases.

In his inaugural year-end report on the Federal judiciary, Chief Justice Roberts addressed this issue directly:

> The disparity between the judiciary's rent and that of other government agencies, and between the cost to GSA of providing space and the amount charged to the judiciary, is unfair . . . [and] the judiciary must . . . find a long-term solution to the problem of ever-increasing rent payments that drain resources needed for the courts to fulfill their vital mission.

Mr. Speaker, the solution is for Congress to enact the "Judiciary Rent Reform Act of 2006," which will require the Administrator of General Services to charge the judiciary only the actual cost of providing space in federally-owned facilities or the actual costs of procuring and servicing leases in privately-owned space.

In addition to allowing the federal courts to better plan and control their budget, which will improve the delivery of judicial services to the public, this Act will improve the transparency associated with how the judiciary's funds are spent.

I urge my colleagues to join me in supporting this bill, which I am introducing in direct response to the plea of the Chief Justice that this issue ''now warrant[s] immediate attention and action.'' I and the Judiciary Conference of the U.S. look forward to the House passing this legislation without delay.

TRIBUTE TO THE VOLUNTEERS OF THE McCANDLESS ROTARY CLUB

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to honor the volunteers of the McCandless Rotary Club.

The Rotary Club of McCandless was founded in 1988, and will be holding its 10th annual Volunteer Recognition Dinner, Thursday, February 9, 2006. For the past 10 years this dinner has honored individuals who have given their time, talent and finances in support of churches and synagogues, human service agencies, fire and police departments and Ivan flood recovery, This year, however, will be the first year that blood and organ donors will be honored. The club also gives $10,000 to various community agencies in the are and hosts a monthly bingo game for the residents of the Regency Nursing Home.

The dinner honors the commitment of McCandless residents, including: Frank and Judy Holby, organ donors; Rev. Jean Henderson, platelet donor; Marlynn Baldo, blood and platelet donor; Patricia DiClemente, organ, platelet and blood donor; John Dauer, whole blood donor; and Edmond Olszewski, bone marrow donor. The club has recently completed a shipment of computers and pharmaceuticals to Benin. Two club members, Denny and Kathy Crawford, have participated in two Polio National Immunization Days in Africa.

I ask my colleagues in the United States House of Representatives to join me in honoring Pennsylvania American Water on receiving the Directors Award. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute a dedicated club such as the Rotary Club of McCandless.

COMMEMORATING THE FIFTIETH ANNIVERSARY AND COMPLETION OF THE MODERNIZATION PROJECT AT HILLSDALE HIGH SCHOOL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. LANTOS. Mr. Speaker, I am delighted to announce to my colleagues that on February 24, 2006, Hillsdale High School, in San Mateo California, which is in my Congressional District, will be commemorating its fiftieth anniversary and will be celebrating the completion of a modernization project that will ensure that Hillsdale's doors are open for students for another 50 years or more.

The San Mateo Union High School district has six outstanding high schools. Nearly 6 years the citizens of San Mateo voted for a $137.5 million bond measure to modernize these wonderful schools. Hillsdale High School determined to construct a new Student Services building as well as substantive remodeling of the library, science building, general education classrooms, the cafeteria, the theater, the auditorium, a music building, and the gym's and locker rooms. As a result of these renovations Hillsdale High School will continue to play a leading educational role in the San Mateo Union High School district.

Mr. Speaker, Hillsdale High School is truly an extraordinary learning institution. The award winning design of the school, profiled in Life Magazine when the school opened its doors 50 years ago, continues to receive praise and distinctions. Of special note is the fact that Hillsdale High School was recently recognized by the United States Department of Education as a National Blue Ribbon School of Excellence. This remarkable recognition was bestowed on only 260 schools in the United States. In addition to Hillsdale's achievements in the classroom, the school's rich athletic tradition displayed in league championships and distinguished alumni playing at the collegiate and professional levels.

Mr. Speaker, the modernization and new construction at Hillsdale High School was made possible because of the amazing dedication and work demonstrated by the Board of Trustees, community leaders, parents, school staff, the public at-large, and the now-retired Superintendent Thomas C. Mohr. Without their spectacular efforts, the modernization project would not have succeeded. I urge all my colleagues to join me in congratulating the Hillsdale High School community on the successful modernization of its facility and on its 50th anniversary.

NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. POE. Mr. Speaker, the National Salute to Hospitalized Veterans Week was established in 1978. It takes place every year during the week of February 14 and it is an opportunity to salute America's veterans and ensure to them that their sacrifices for their country are not forgotten. Next week, members of my district staff will visit the Michael E. DeBakey VA Medical Center in Houston.

They will pay tribute and honor to the brave soldiers there who were wounded in their valiant service to our country. They have made an enormous sacrifice to ensure that we all are able to live in freedom and we are indebted to them. This is the American people's chance to say thank you for that sacrifice. It is vitally important that we do not forget these defenders of freedom and do all that we can to help them along in their recovery.

I am proud to say that my staff will be bringing get well cards, and other tokens of appreciation, from the students of Deerwood Elementary School in Kingwood, Texas. It is a fitting tribute, from the young children to the soldiers, who have fought to guarantee the America they inherit is as free as it is today.

The entire 2nd Congressional District of Texas says thank you to these brave men and women for their service and their sacrifice. We wish them all a full and speedy recovery.

TRIBUTE TO DAVID H. SMITH

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SALAZAR. Mr. Speaker, I rise today to congratulate David H. Smith of Rio Blanco County, as the honored recipient of the Wayne N. Aspinall Water Leader of the Year Award from the Colorado Water Congress.

The career of David H. Smith reflects his extraordinary dedication to the protection of water rights in the State of Colorado. His inspiring leadership on these very important issues is greatly appreciated by all citizens of Colorado.

Mr. Smith's passion for conservation and leadership in water issues lead to a 20-year tenure on the Colorado Water Conservation Board as well as 12 years of service as Rio Blanco County's director on the Colorado River Water Conservation Board. Mr. Smith's commitment to his community extends beyond water issues to service on the county planning commission and the local school board. Mr. Smith himself is a rancher in the region and has devoted his life to the protection and maintenance of this lifestyle.

Family and friends have been quick to praise Mr. Smith as someone who has exemplified genuine concern for the water rights of the citizens of Colorado. Mr. Smith displayed his resolve during the oil-shale boom in the 1970s and 1980s when he guaranteed the preservation of property and water rights in Western Colorado. Later, during the 2002 drought, Mr. Smith was instrumental in negotiating a water-sharing plan for White River Valley ranchers and farmers.

Even with all his public service, Mr. Smith maintains a strong family life, having been married to his wife Sue Ann for 53 years with two sons and a daughter.

Mr. Smith's story is one of compassion and commitment, not only for the protection of the rights of the ranchers and farmers in his region but also for the maintenance of a lifestyle learned from his great-grandfather, an immigrant from Scotland who introduced Mr. Smith to the ideas of irrigation. A life of service and leadership, of achievement and ambition, Mr. Smith's accomplishment is one that deserves recognition and respect by all citizens of Colorado who have benefited from his devotion.

It is a tremendous honor to stand today and publicly recognize Mr. David H. Smith for his many contributions to the community. It is my privilege to extend congratulations to Mr. Smith for the receipt of the Wayne N. Aspinall Water Leader of the Year Award.

A SALUTE TO HAM RADIO OPERATORS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ROSS. Mr. Speaker, I rise today to recognize the contributions of American citizens who are members of the Amateur Radio Relay League, known as HAM radio operators. Citizens throughout America dedicated to this hobby—a hobby that some people consider old fashioned or obsolete—were true heroes in the aftermath of Hurricane Katrina as they were often the only line of communication available into the storm ravaged areas.

Amateur radio operators are often overlooked in favor of flashier means of communication. As communities across the gulf coast and America learned this year, technology can be highly vulnerable. HAM radios, entirely self-contained transmitters, require no cell towers or satellites, simply a battery and a strip of wire as an antenna.

Just as after major earthquakes, tornadoes, and the terrorist attacks of 9/11, HAM operators around the country received an alert to stand by their radios to listen for calls for assistance. Following Hurricane Katrina, when cell phones and e-mail were useless, a HAM operator located in Connecticut alerted authorities about a woman trapped for 4 days without food or water and a Coast Guard Auxiliary in Cleveland arranged for a medevac for a woman in labor in New Orleans. These are just a few examples of the many lives that were saved with the critical intervention of HAM operators throughout the country.

Now more than ever, I am proud to be a licensed amateur radio operator. It is important to realize that every HAM radio operator in the Amateur Radio Emergency Service is a volunteer. This year, when disaster struck, hundreds of HAMs moved to the gulf coast to help in every way they could. Every one of which did so on a volunteer basis and their only goal was to assist in what became one of the worst natural disasters in America.

The dedication displayed by HAM radio operators in the aftermath of Hurricane Katrina sets a tremendous example for us all. The people whose lives were rescued as a result of the tireless dedication of HAM radio operators will forever be grateful to these selfless public servants.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MRS. CORETTA SCOTT KING

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to pay tribute to Coretta Scott King, who, sadly, passed away last week at the age of 78.

Mrs. King will be greatly missed and fondly remembered as a remarkable woman who passionately worked with her husband, Martin Luther King, Jr., in America's nonviolent struggle for equal rights and who pursued the vision of equality and justice long after his tragic death in 1968. While I and constituents throughout my district, including those in Richmond, California, mourn her loss we remember her achievements, her courage, and what she symbolized to people across the country and throughout the world.

While she was Dr. King's partner in the struggle for equal rights, Coretta Scott King was also a civil rights activist in her own right. Dr. King once said, "I wish I could say . . . that I led her down this path. But I must say we went down it together, because she was as actively involved and concerned when we met as she is now."

An inspirational woman to so many already, Mrs. King will remain a role model for generations to come.

When her husband's fight for equality was cut short by the brutal shot of bigotry and hatred, Mrs. King's fight had only just begun. And now with her death, we face the same question she faced so many years ago. President Clinton eloquently spoke about this question yesterday at Mrs. King's funeral service in Atlanta when he said,

> . . . the most important day in her life for everyone of us here at this moment in this church, except when she embraced her faith, the next most important day was April 5, 1968, the day after her husband was killed. She had to decide, "What am I going to do with the rest of my life?" We would have all forgiven her, even honored her if she said, "I have stumbled on enough stony roads. I have been beaten by enough bitter rods. I have endured enough dangers, toils and snares. I'm going home and raising my kids. I wish you all well." None of us, nobody could have condemned that decision. But instead, she went to Memphis—the scene of the worst nightmare of her life—and led that march for those poor hard-working garbage workers that her husband [advocated for]. Now, that's the most important thing for us. Because what really matters if you believe all this stuff we've been saying is, "What are we going to do with the rest of our lives?"

Indeed, she went on to work so hard for all of us. In addition to her efforts to build the Martin Luther King memorial in Atlanta to establishing a national holiday in her husband's memory, Coretta Scott King worked tirelessly so that her husband's struggle, and the struggle of the millions of Americans who worked with him and shared his vision to bring equality to all people, was never forgotten.

She took upon herself the responsibility of keeping alive Dr. King's civil rights legacy but also found her own causes. She advocated equality for all. She became active with the National Organization for Women and said, "Women, if the soul of the Nation is to be saved, I believe that you must become its soul." In 2000 she spoke at a fundraiser sponsored by the Metropolitan Community Church, a predominantly gay denomination in San Francisco, where she gave a powerful speech expressing that "until everybody has equality; no one has equality. We can't just be for civil rights of one group."

The King family has a strong history with the community in Richmond, CA.

Mrs. King's speech in San Francisco inspired Jerrold Hatchett of Richmond to form the National Brotherhood Alliance, a non-profit organization that serves as a collaborative of business, community, religious, and grassroots organizations to mentor youth and address community issues.

Richmond Mayor Irma Anderson remembers attending Union Methodist Church in Boston with the Kings. Her husband, Rev. Booker T. Anderson, who went on to become a Richmond city councilman, attended Boston University School of Theology with Dr. King. Their relationship was one of the reasons Dr. King stopped in Richmond to meet with local leaders when he visited northern California in 1961. Mayor Anderson remembers Mrs. King as being loyal to her husband and family and supportive of the civil rights movement, and she had a beautiful singing voice.

Mayor Anderson said that, "Mrs. King's singing voice changed after her husband was murdered." It, however, did not alter her passion for justice and she continued her struggles against injustice.

Mr. Speaker, on behalf of my constituents, I rise to acknowledge the loss of a great woman, a mother, a friend to all and a hero. I extend my heartfelt condolences to the King family and their friends in this difficult time.

America owes the entire King family an enormous debt of gratitude for teaching all Americans the meaning of dignity, patriotism and justice. This Congress, and this nation, must not let down Dr. King down. We must not let Mrs. King down. We must pursue their vision of justice and freedom as vigilantly today as ever before and preserve the greatness of America for our children and our children's children.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MRS. CORETTA SCOTT KING

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2006

Mr. REYES. Mr. Speaker, I rise today in strong support of H. Res. 655, honoring the life and accomplishments of Mrs. Coretta Scott King. It is with great respect and a heavy heart that I pay tribute to the life of a woman admired by so many Americans.

On January 31, 2006, God summoned home one of His most dedicated activists in the fight for equal rights and social justice. It seems like only yesterday that Mrs. King joined her husband, the late Reverend Martin Luther King, Jr., to fight for equality for all Americans.

While the country mourned the loss of Rev. Martin Luther King, Jr., Mrs. King picked up the torch and continued the fight for social justice, at the same time caring for their four children: Yolanda Denise, Martin Luther III, Dexter Scott, and Bernie Albertine. In doing so, she worked tirelessly on multi-national disarmament treaties, anti-poverty efforts in the U.S., and opposition to apartheid in South Africa. Later, in 1985, she initiated the creation of the Martin Luther King, Jr. Research and Education Institute to ensure that future generations of leaders carry on Rev. King's dream of peace and social justice. It is fitting that we honor her today not far from where she led several hundred-thousand people to commemorate her husband's historic march on our Nation's Capital.

Because of the Reverend and Mrs. King's hard work and many sacrifices throughout the

years, millions of Americans have greater opportunities today. Without their efforts, people like me might not have the opportunity to serve in the House of Representatives today.

While the loss of Mrs. Coretta Scott King brings great sadness, it brings a sense of peace knowing that she will be reunited with her husband the late Reverend Martin Luther King, Jr., and that their legacy will flourish for generations to come.

TRIBUTE TO THE BULLETIN OF THE ATOMIC SCIENTISTS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. HOLT. Mr. Speaker, as we face a world troubled by nuclear proliferation, weapons of mass destruction, potential pandemics, terrorism, space-based weaponry, and our own concern about our nation's ability to maintain its competitiveness in a changing world, it is important that we consider this resolution commending the Bulletin of the Atomic Scientists on the 60th year of its publication, whose mission to educate citizens and raise awareness on global security news and analysis as well as the appropriate roles of nuclear technology. That is why today I am introducing along with the Gentlemen from Massachusetts, Representative EDWARD MARKEY, a resolution commending the Bulletin of the Atomic Scientists for its 60 years of service to our nation and to the world.

Sixty years ago, a group of Manhattan Project scientists, who worked to create the first nuclear bombs on the mesas of Los Alamos, New Mexico, published the first issue of the Bulletin of the Atomic Scientists, to translate the realities made possible by the atomic bomb. Members of this early group include Hans Bethe, Albert Einstein, and J. Robert Oppenheimer, and the Bulletin continues to bring together some of the best minds in science and global security to provide unbiased, non-technical yet scientifically sound information critical to our survival today.

The Bulletin of the Atomic Scientists additionally created a visual representation of the humanity's potential for global destruction. It is the Doomsday Clock, ticking towards midnight, with midnight representing doomsday. The movement of the clock's hand is determined by the Bulletin's Board of Directors and Sponsors, a group of individuals who have worked on this issue for decades and include Nobel Prize winners, analysts, and others who have served in policy making decisions in both Democratic and Republican administrations.

The Doomsday Clock has moved forward and back 17 times in its 58 years of existence. Its last move was on February 27, 2002, and the clock now resides at 7 minutes to midnight, which is where the clock debuted in 1947.

The ''Keepers of the Clock'' stated on this last move, ''Moving the clock's hands at this time reflects our growing concern that the international community has hit the ''snooze'' button rather than respond to the alarm.''

It is now time to start waking up, and we take the lead in making the world safer, cleaner, and sustainable for our children, our grandchildren, and the generations to follow. This is the legacy that we must strive for in each action that we take.

HONORING THE WINNERS OF DEPTFORD TOWNSHIP SCHOOLS' POSTER AND ESSAY CONTEST IN REMEMBRANCE OF DR. MARTIN LUTHER KING JR. AND ROSA PARKS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to honor those students from Deptford Township schools who participated in a contest to honor Dr. Martin Luther King Jr. and Rosa Parks on January 11, 2006. The way in which these students portrayed their thoughts on Dr. King and Ms. Parks was touching and memorable.

During this contest, students were given the opportunity to express their thoughts on these important historical figures by creating a poster or writing an essay highlighting memorable events in the lives of these two heroic Americans. The contest corresponded with the annual celebration of Dr. King. The students whose essays and posters won are: Scott Medes, Andrea Akins, Lauren Perry, Rachel Hajna, Jimmy Kunkle, Sheena Williams, Sara Duffy, Zachary Kummer, Ashley Duffy, Danielle Hogan, Ronald Grace, Danika Atkinson, Jordan Johnson, Michael Baney, Justina Dougherty, Jared Field, Ann Mary Tullio, Nicholas Eisen, Madelyn Elliot and Sean Clason. Their works showed exceptional thought and creativity.

We have seen in the aftermath of Hurricane Katrina that Dr. King's and Mrs. Parks' message of justice for all people is still as important today as it was in the 1950's and 1960's. Although it disproportionately affected people of color, Hurricane Katrina affected anyone young enough, old enough or poor enough to be left behind. The students that participated in this contest embodied Dr. King's and Mrs. Parks' message and are truly an inspiration to all citizens of the United States of America.

The following are five of the winning essays:

MAKING A WORLD OF DIFFERENCE

(By Zachary Kummer, Grade 6)

As I sit in my classroom and look around, I see students of many different races. We are all here to learn and everyone has the same opportunity to get a good education. The teacher treats us all the same, and we use the same books, desks, fountains, and lavatories. All the students are together in the same classroom without any discrimination by race or religion. If Dr. Martin Luther King Jr. were alive today, he would see his dream fulfilled in my classroom.

Dr. Martin Luther King Jr. was a minister who believed in equality for all. He thought that the Constitution of the United States was meant for all people. His famous speech of ''I Have a Dream'' said that he dreamed of a time when people of all races and religions would be treated the same. Dr. King was influenced by many people. His grandfather, his father, Abraham Lincoln, and Rosa Parks were some of these people who had an influence on him.

Dr. King admired the courage Rosa Parks showed in her refusal to give up her seat on a bus. He respected her non-violent protest. Rosa Parks' action was one of the things that led to the boycott of the buses by people of color. Dr. King became involved in this peaceful action and showed that there is power when people join together in a protest.

Not only has the United States changed because of Dr. King, but the rest of the world has been influenced by his peaceful ways to bring about change in laws to give equality to all people. People of color in South Africa were influenced by Dr. King and have changed the apartheid laws.

In conclusion, the influence of Dr. Martin Luther King Jr. and Rosa Parks has greatly changed the rights of all people, especially minorities, from separation and discrimination to equality in all parts of our lives.

MAKING A WORLD OF DIFFERENCE

(By Andrea Akins, Grade 4)

Dr. Martin Luther King and Rosa Parks made a difference. For example, Dr. King was born Jan. 16, 1929 in Atlanta, Georgia. He always was thinking about solutions to solve racial prejudice. The civil rights bill ended discrimination of black Americans in 1964. One day Dr. King was shot and died.

In addition, Rosa Parks was born Feb. 4, 1913 in Alabama and was married sometime in 1932. She worked to help a lot of black people. White people always pushed her around and she was tired of it. One day Rosa Parks refused to give up her seat on a segregated bus. She was arrested and put in jail. A boycott was passed. Mr. Nixon and Dr. King got lawyers to take Rosa's case to court. The boycott worked.

Additionally, Rosa Parks and Dr. King had a lot in common. One thing they had in common was the bus boycott. Another thing they had in common was segregation. Of course they both wanted fairness.

In conclusion, Dr. King and Rosa Parks helped make a difference. They made a difference because they both wanted fairness. They helped blacks with problems and they made laws right. They made a difference.

MARTIN LUTHER KING, JR. AND ROSA PARKS—''MAKING A WORLD OF DIFFERENCE''

(By Rachel Hajna)

Martin Luther King, Jr. was born on January 15, 1929 in Atlanta, Georgia. His parents named him Michael at first, but later changed it to Martin Luther, which was his father's name. Martin had an older sister and a younger brother. Their mother always told them how special and wonderful they were. The King family was very religious.

Martin was best friends with a white boy, but when they started school the friend's Dad said they couldn't play anymore because Martin was black. The boys both cried.

Martin learned more about segregation as he got older. There were a lot of things that the black people were not allowed to do. They were not allowed to play on the beach or in the parks, they were not allowed to vote, and they could not live where they wanted. Martin knew this was unfair.

Martin graduated from Booker T. Washington High School in 1944. He was so smart that he skipped ninth and twelfth grades. He enrolled at Morehouse College when he was 15 years old. He also began preaching at Ebenezer Baptist Church where his father was the pastor and he became Reverend Martin Luther King, Jr. on February 25, 1948 when he was 19 years old.

Martin met Coretta Scott while attending Boston University. They were married on June 18, 1953 in Marion, Alabama. Martin became Dr. Martin Luther King, Jr. in 1955 after receiving his Ph.D. from Boston University.

Dr. King was one of the leaders of the Montgomery Bus Boycott. This was a huge success. Dr. King and other black leaders

told the black people not to ride the buses. They did this because they learned that a woman named Rosa Parks was arrested and sent to jail on December 1, 1955 because she would not give up her bus seat to a white man. On November 13, 1956 the Supreme Court ruled that it was against the law to make black people sit at the back of the buses in Montgomery, Alabama. Now they could sit wherever they wanted.

Rosa Parks was born on February 4, 1913 in Tuskegee, Alabama. She grew up on a small farm with her brother, mother and grandparents. In 1932 she married barber and civil rights activist, Raymond Parks. Over the years, Rosa Parks received many awards and honors, including the Medal of Freedom Award, presented by President Clinton in 1996. Rosa Parks died recently on October 25, 2005 at the age of 92.

The boycott was the beginning of the Civil Rights Movement in America. On August 28, 1963 Dr. King led the March on Washington. This is where he gave his ''I Have a Dream'' speech. He wanted black and white people to live together in peace in America. In 1964 he received Time magazine's ''Man of the Year'' award. On July 2, 1964 President Johnson signed the Civil Rights bill into law, which meant that the black people could go wherever they wanted.

On December 10, 1964 Dr. King received the Nobel Peace Prize, which is one of the greatest honors any man can win. He was only 35 years old when he won the award making him youngest person to receive it.

On April 4, 1968 Dr. King went to Memphis, Tennessee to lead a march to help sanitation workers. He was shot and killed on this day. People all over the world wept. Dr. King made a difference by making black and white people get along.

I am very glad that Martin Luther King Jr. and Rosa Parks made a difference in our world.

HOW MARTIN LUTHER KING JR. CHANGED THE WORLD

(By Lauren Perry, Grade 4)

Martin Luther King Jr. and Rosa Parks changed the world from being prejudice forever.

Little did the community of Sweet Auburn, Atlanta, Georgia know that on the day of January 15, 1929, baby Martin Luther King Jr. would change the world. As Martin got older, everybody said that the last name King would suit him good.

Martin Luther King had many strong beliefs. He believed in non-segregation. Because of the time, many Americans in the South were separating the whites from the blacks. His other belief was non-violence. He solved many problems non-violently.

His parents always told him to have pride in himself. He always believed that having pride in yourself could take you various places. Believing everyone was equal and being free was the one thing that he would fight for.

He argued many times for the freedom of African Americans to go where they wanted to go and so on and so forth. But he always protested peacefully. He protested to put a stop to racial prejudice. He along with Rosa Parks boycotted many things like being prejudice.

Both African Americans thought segregation and being prejudice was injustice. Rosa Parks got arrested for, what I think, is very unfair. She got arrested for refusing to give up her seat to a white man.

After that incident, Martin Luther King Jr. knew something had to be done. Martin did many speeches, marches, and protests to bring attention to all Americans on what was going on.

On August 28, 1963 he made the one of the most memorable speeches in history. ''I Have a Dream'' was his speech. He dreamed that everyone would think that everyone was ''brothers and sisters.''

After his speech, a law was formed that no one could be prejudice or segregate. Many people's lives were changed by King's memorable speech. But things were about to change for him.

On April 4, 1968, Martin Luther King Jr. was standing on a hotel balcony talking to a friend, and suddenly . . . Boom! Martin Luther King Jr., at the age of 54, was shot and killed.

People all over the world were upset, but he will be remembered.

So, because of Martin Luther King Jr.'s pride and strength, he was shot and killed. From his strong non-violent beliefs, no segregation or being prejudice is ruining the world today.

TWO AMAZING LEADERS

(By Jimmy Kunkle, Grade 5)

Our world would be different if it weren't for two very brave people. Dr. Martin Luther King Jr. and Rosa Parks both fought for equal rights. Rosa Parks was born in 1913, and was very determined. She made a big difference because on December 1, 1955, she refused to give up her seat on a bus to a white man, and she was put in jail. This act determined many people and one of them was Dr. Martin Luther King Jr.

Dr. Martin Luther King Jr. was a very important and determined man. He led protests, marches, boycotts and all of his hard work won him the Nobel Peace Prize in 1964. On August 28, 1963, Martin made his ''I Have a Dream'' Speech. He dreamed that all mankind would be treated equally and that there would be no more violence. On April 4, 1968, he was shot and killed, but we still remember him, and we will never forget him.

So now you can see that two people can make a difference, and they did! They did not only make a difference, but they brought our world together. So that's how two unforgettable people made a world of difference, by not using violence.

TRIBUTE TO SISTER JEANNE O'LAUGHLIN: A COMMUNITY TREASURE AND LEGEND IN HER OWN TIME

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. MEEK of Florida. Mr. Speaker, rarely has a single person left so great a mark on a community as Sister Jeanne O'Laughlin.

When Sister Jean, as she is universally known, assumed the presidency of Barry College in 1981, it was a small all-girls institution. When she left nearly 25 years later, it was Barry University, a 9,000 student co-ed institution of higher learning, complete with a law school and a national reputation for excellence.

However, Sister Jean's achievements, as great as they are, pale when compared to the power of her personality and extraordinary impact she has had on virtually everyone she meets.

Last fall, South Florida CEO magazine did a profile of Sister Jean which I think captures some of the spirit of this remarkable woman, and I would like to share it with my colleagues.

THE NUN ON THE RUN

It is not every day you meet a nun whose license tag reads ''Hugs 1'' and whose sentences are punctuated with an endearing ''honey.'' But then again, there is only one Sister Jeanne Marie O'Laughlin.

A few hugs here and a few ''honeys'' there—along with bulldog tenacity and a refusal to compromise her convictions—have helped O'Laughlin forge bonds with everyone from religious figures to football stars to dignitaries. Her new office at Barry University, where she recently become chancellor, is proof. The corridor is wallpapered with framed photos of O'Laughlin with the pope, presidents, sports stars and scores of other influential people.

About 100 plaques, keys to cities and the Greater Miami Chamber of Commerce's ''Sand in My Shoes'' award overwhelm glass-enclosed display cases. O'Laughlin says it was tough to choose from the hundreds she received during her 23-year tenure as president of Barry University.

''They just delivered the furniture today. You are my first external guest, honey,'' O'Laughlin, 76, says in a grandmotherly tone as she points out her private prayer closet. She proudly displays her collection of icons—artistic representations of sanctified Christians that are an integral part of worship in the Catholic faith. Directing attention to an icon of ''Jesus the Teacher,'' O'Laughlin reveals. ''With this one I look at the world through his eyes and see the humanity of children.'' She has a special place in her heart for children of all ages, perhaps because her own childhood, including World War II years spent in Detroit, was strained.

In 1935, when O'Laughlin was barely 6 years old, her mother died in childbirth. Her family became a single-parent household long before it was a societal norm. She describes her father, a draftsman at the Dodge car factory in Detroit, as a ''good old Irish dad'' who prayed the rosary every day and read the Bible to his family on Sundays. Her childhood memories are a mixture of pain, love and poverty.

''At times you had to pretty well fend for yourself. So maybe my creativity in fundraising came out of that,'' O'Laughlin laughs now. ''But my core values came from my father's training and education. Our family always cared for each other and loved one another. Sharing became an integral part of what we did. My dad cared. He even took in my mother's two brothers and two sisters when they got married, So I had a model even though our family was poor and motherless. I learned that family was important.''

O'Laughlin's mother lived on in her imagination, stoked by her Aunt Edna's frequent recounting of stories. One tale in particular would forever direct the course of O'Laughlin's life—and arouse her passion for education.

''Aunt Edna told me that my mother valued education and that her whole desire when she died at age 29 was that her children would be educated. My dad promised her on her deathbed that we would be, and we all got college educations,'' O'Laughlin solemnly shares. ''Missing a mother made me yearn to protect other mothers and babies.''

Detroit left its impression, too, and an early experience with racism there, says O'Laughlin, led her to a lifetime of social action.

One day when she was 13 years old, a streetcar O'Laughlin was riding in suddenly jolted. Two black children fell into her lap, and she embraced them during the rest of the journey. To her surprise, when she stepped off the streetcar, a white man spit on her.

''I asked my dad why that man spit on me,'' recalls O'Laughlin, still obviously disturbed by the decades-old event. ''He told me

it was prejudice. I asked him what caused prejudice. He told me it was ignorance. I asked him how you get rid of ignorance. He said education.''

The experience left O'Laughlin with a burning desire to help people—all people, and it eventually led her down the path towards joining the Dominican order of nuns. Three years later, she joined the Adrian (Mich.) Dominican Sisters, an international congregation of more than 970 vowed religious women whose roots go back to St. Dominic during the 13th century.

O'Laughlin began professing her first vows at age 17, That initial step towards becoming nun was followed by several years of exploration and training, until she became a permanent member of the order of the Dominican Sisters of Adrian. O'Laughlin took her final vows when she was 21—lying flat on her back in the midst of a battle with respiratory illness so severe her father feared it was her last breath.

After taking her final vows as a nun, O'Laughlin's next priority was getting the education that her mother had wanted for her. She earned a bachelor's degree and began her teaching career in the 1950s. She taught throughout Michigan at St. Agnes in Iron River, Detroit's Dominican High and Dearborn's St. Alphonsus. After she earned a master's degree in biology, the Archdiocese of Tucson, Ariz. hired her as a supervisor of schools. Even then, she continued to attend school, earning a doctorate in education from the University of Arizona.

A watershed moment in O'Laughlin's life was Pope John XXIII's issuance of the Vatican II documents between 1962 and 1965, which made several reforms to the Catholic church, Among the reforms were options for nuns to choose not to wear a habit, the traditional head covering and garment worn for centuries, and to have the choice of returning to their baptismal names or keeping their religious name, That is when O'Laughlin chose to exchange her religious name of Sister John Anthony for her baptismal name, and became Sister Jeanne Marie.

Shortly thereafter, in the late 1960s, O'Laughlin was appointed superintendent of the Adrian Dominican Independent School System, overseeing schools in Arizona, Nevada, New Mexico and California. The administrative position left her with the experience she would later need to build a thriving university.

''I learned a great deal about diversity during that time because I worked with Indians [Native Americans] and Hispanics. I gained a great respect for various cultures. I learned to look at sameness instead of differences,'' O'Laughlin says.

Along with her development as an administrator, O'Laughlin continued to evolve her concept of being a woman in the religious order. By 1970, she shed her habit, after examining the rationale of wearing it in light of Vatican II's redefining of nuns as members of the laity and not of the clergy. O'Laughlin says it seemed logical, in that light, for her to dress like the laity. Her sister helped her pick out clothes, which included the fashion of the day.

While today O'Laughlin wears business suits with sophisticated style, she says at the time it was like going from adolescence to menopause in 10 minutes as she began to understand what it meant to be a woman.

''All of a sudden my identity was not neuter. I had to worry about hair and clothing. It was a whole new experience for me. I had no idea how to dress,'' O'Laughlin says. ''I had to learn the things most women learned in the normal maturation process from girl to woman.''

She also further reexamined her relationships with non-clergy. ''It was always very easy to define in the habit. I just kept my place and my distance,'' she says. ''As part of the laity, I had to begin relating to the laity on their level as who I was as a woman.''

As her career progressed, O'Laughlin became the executive assistant to the president at St. Louis University in St. Louis and also spent time as an adjunct faculty member at the University of San Francisco and Siena Heights College in Adrian before assuming the presidency at Miami Shores-based Barry University in 1981.

TRANSFORMING BARRY

When O'Laughlin first took the helm at Barry, it was a small all-girls college. When she retired in June 2005, it was a 9,000-student co-ed university with a law school, an athletics program, and a $22 million endowment.

After dropping to her knees and dedicating the school to ''the Lord''—saying, she recalls, that it was his institution and he had to save it and develop it because she couldn't do it with her own strength—she set out to instill what she calls the ''midnight shakes.'' Her goal was for Barry's mission to be so clear in the minds of the staff that if she suddenly awakened them at midnight they could recite it, nearly in their sleep.

The mission was (and still is) to offer students a quality education, assure a religious dimension to that education, offer a caring environment and provide community service. O'Laughlin saw the biggest challenge to fulfilling that mission and building Barry into Florida's fourth-largest private university was finances.

''It's easy to have dreams and visions, but you need the resources to fulfill those dreams and visions. The most awful thing was worrying at night about the people who worked here getting paid: their mortgages, their car payments, their children,'' O'Laughlin recalls. ''When I got here the payroll was about $250,000 every two weeks and then it got up to $2.5 million every two weeks. The greatest challenge to me is to try to reward and keep the people who shared this mission and ministry with us.''

O'Laughlin embarked on an exuberant fundraising campaign, often using the sheer force of her personality to fulfill what had become a true mission for her. In fact, some have described her as a cross between P.T. Barnum and Mother Theresa because of her unusual fundraising efforts, which included a lot of arm-twisting and the acceptance of a dare or two.

There was the time she took a $2 million dare to learn ballroom dancing. O'Laughlin became the first Dominican nun to debut at the US Ballroom Championships, wearing a floor-length royal blue gown. She donned a feather boa and white satin gown on a millionaire's yacht and sang ''Don't Cry for Me, Argentina'' for a $1.5 million donation.

O'Laughlin's 16-hour days were not only spent building Barry University, but also building the community. In 1987, when Boynton Beach-based community radio station WXEL was plagued with personnel problems, plummeting membership and donations—even a lightning strike on its transmitter, the station turned to Barry University for help, and O'Laughlin led the university's takeover of the station.

Talk of turning the community station over to a Catholic school drew its critics, but those voices were muted when O'Laughlin herself spearheaded the move to wash away the station's $2.5 million debt with the help of a single donor: Dwayne O. Andreas, retired chairman of agricultural giant Archer Daniels Midland Co. Andreas had donated the money to Barry at the urging of his wife, an alumnus. O'Laughlin asked Andreas if she could use it to save the radio station and he agreed.

O'Laughlin hired Jerry Carr, a broadcasting veteran and turnaround expert who had helped revive Miami's Channel 33 and Paxson television stations. Carr credits O'Laughlin with single-handedly rescuing WXEL from bankruptcy. Many didn't believe O'Laughlin could keep a Catholic agenda out of the station's programming, but Carr says she never told him what to air. In fact, Carr even ran a Planned Parenthood advertising campaign, a taboo subject in the Catholic church.

''I did not even have to ask Sister Jeanne for permission because I knew her heart was to do whatever was necessary to serve the community in a non-sectarian role,'' Carr recalls. ''She always told me I should not do anything other than what was expected in the world of broadcasting. She was the greatest boss I ever had and the most wonderful lady I've ever met in my life.'' WXEL rebounded and revenues skyrocketed. When Barry took over, the station's net value was $354,573. It was valued at $5.93 million when O'Laughlin handed over the chair of the station to Sister Linda Bevilacqua.

O'Laughlin smiles when she talks about WXEL, but admits it wasn't quite a dream come true in every respect. ''My dream was to use the radio station as an instrument to increase access to education in the community,'' she says. ''We just didn't have the resources. But God used me as an instrument to save it, and if that's all he wanted and all he wrote, then that's OK. It's a huge success. I am proud of that.''

In 1999, O'Laughlin oversaw the launch of Barry's law school in Orlando. She battled for three years to gain accreditation from the American Bar Association (ABA). Barry law professor Stanley M. Talcott, who was dean during the battle, says he will always remember O'Laughlin's determination.

''I watched Sister Jeanne as she advocated for the law school. I found her to be extraordinarily effective, well-informed, and just powerful,'' he says.

CHANGING THE MEANING OF ''NUN''

O'Laughlin has never taken the easy path, and her life has been tinged with controversy since the Detroit streetcar incident. She proudly calls herself ''the nun on the run'' because she is constantly on the go and knows she has helped quash some stereotypes about Catholic religious women and women in general—things she never intended to do. As she sees it, she was just following her faith.

In a time when nuns did not typically fraternize with political potentates and influential business leaders, O'Laughlin was the first woman on Miami's influential Orange Bowl Committee and the Non-Group, an informal fraternity of local power brokers. She has served on countless boards and committees and has been urged to run for political office.

Never afraid of being outspoken, O'Laughlin has worked to do more than educate her students. She has labored to fight drug abuse, feed the homeless, assist immigrants and protect children.

''We have to understand the dignity and beauty of each human being, even though we don't agree with them because of a different tradition or history,'' says O'Laughlin, who has also fostered the most diverse enrollment in Barry's history, with 47 percent of its students identified as black or Latino.

Among her many exploits, O'Laughlin took responsibility for 300 Haitian immigrants when they were released from the Krome Detention Center in 1982 and placed with sponsors who provided them with food, housing, and employment; took in Romanian detainees; helped get residency for an Iranian couple and their children; and found a home for a Chinese baby.

Certainly O'Laughlin's most controversial engagement was her role in 2000's Elian Gonzalez saga. Moved by the little boy whose mother had died while they were fleeing Cuba by raft to the US, she initially acted as a neutral mediator, hosting meetings between the boy's Miami relatives and his Cuban grandmothers in their tug-of-war for custody. Hers was an unpopular position that spawned death threats, bomb threats, and plenty of hate mail.

Then, suddenly, the neutral nun became an ardent advocate for the Miami relatives, urging the government to allow Elian to stay in the US. O'Laughlin says her emotions included fear, compassion, and rejection during a period she describes as one of the most difficult in her life, but insists her faith got her through.

''When I went to bed at night, I had to tell the Lord it was in his hands, and, 'If I offended, I ask pardon. If I haven't, I sure hope you'll help me the next day,''' O'Laughlin reveals. ''When I talked to [former Attorney General] Janet Reno about Elian after it was over, she quoted Truman. She said we were both searching for the truth.''

Generally, O'Laughlin's disarming manner has been key to her success in helping people, say those who have worked closely with her.

''With the 'honey' here and the 'honey' there, she gets a lot of things accomplished,'' says Leslie Pantin Jr., chairman of Barry's board of trustees. ''She continues to instill in Barry a unique, caring environment while being involved in every major cause we've had in South Florida, from the airport to rebuilding after Hurricane Andrew to the fight against drugs, and of course the Elian Gonzalez position.''

O'Laughlin may be loathe to admit it, but one of her toughest fights was her personal battle with lung cancer. She underwent two lung cancer surgeries in the past few years (she never smoked) but has hardly slowed down. After stepping down as Barry's president last summer to allow a new face with a new perspective to take the university to the next level, she continued to focus on education, albeit with a slightly different twist. O'Laughlin's mission now is to teach women how to open universities in developing countries.

''It would be really great if the Lord would let me, before I turn up my toes, play a role in getting schools started and I don't care at what level—because we'll never have peace, we'll never have a legitimate fight against poverty, unless we have education,'' she says.

In her quasi-retired life, O'Laughlin remains involved in various South Florida organizations, and has faith that the region will become a model that the whole world will envy.

''South Florida has all right ingredients: good people, an embracing climate, and welcoming shores,'' O'Laughlin says. ''My vision and hope is that we continue to open our arms and caress our people and energize them to create a greater state and a greater South Florida by giving their gifts back to this great place.''

TRIBUTE TO WILFRED ''MICKYE'' JOHNSON

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. NUSSLE. Mr. Speaker, today I rise to recognize an Iowan who serves as a great community leader and role model for youth, Wilfred ''Mickye'' Johnson of Cedar Falls.

A native of eastern Iowa, Mickye has worked with the Classic Upward Bound Program at the University of Northern Iowa since 1988, and has been its director since 1994. Through his work, Mickye has helped countless students attend college and receive high-level academic instruction during their high school years.

In addition to his duties with the Upward Bound program, Mickye has had a number of volunteer roles with various groups, including the Iowa Commission on the Status of African Americans, the Iowa Community Health Leadership Institute, the Waterloo Community Development Board, the Iowa Child Support Advisory Committee, and the Methodist Church Administrative Council. Additionally, he has worked to promote business opportunities and community involvement for African-American professionals and leaders in the Cedar Valley community in Iowa.

Mickye's work on behalf of young people extends beyond the classroom. For seven years now he has been a featured speaker for my Youth Summit, which brings together students from all over eastern Iowa to learn about leadership, education, and teamwork. Mickye has served as a motivational speaker at this event, and he always gives a challenging and productive message to the students in attendance. He has often used the humor of a simple lemon as a prop to impress upon his students the importance of life skills and character education to improve their lives.

Mickye received his Bachelor of Arts degree in Political Science from the University of Northern Iowa, and also holds a Masters of Education Degree. A believer in lifelong learning, he is also pursuing a Ph.D. in Higher Education Administration from the University of Northern Iowa.

Mr. Speaker, it is my honor to recognize Mickye Johnson for his good work. His service and leadership in Iowa make him a role model for any believer in education and community service.

TRIBUTE TO MIKE REAUME

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor Mike Reaume for his dedication and commitment to improving the community of Corona, California. On January 14, 2006, the Corona Chamber of Commerce recognized Mike for serving as the chairman of the board for the chamber during 2005.

After joining the Corona Chamber in 1999, Mike quickly became an active member of various chamber committees. His involvement included work with the Website, Ambassadors, and Corona Night with the Angels Committees. While serving on the chamber's board of directors, Mike was elected as vice president, chairman-elect, and, most recently, chairman of the board. In addition to his dedication to the chamber, Mike owns an insurance brokerage firm, Reaume Insurance Services, which specializes in employee benefits for employers and individuals.

During Mike's term as chairman, the chamber continued to grow in membership and develop new strategies to strengthen the relationships within the business community. The chamber exceeded the goals it set for the year by increasing membership up to nearly 1,150 members representing over 35,000 jobs in the region. Furthermore, the new members made an immediate impact by noticeably increasing the participation levels and attendance at chamber events.

Community-based organizations, like chambers of commerce, rely extensively on committed and dynamic individuals who take the initiative to address important issues facing their community. Mike's dedicated service epitomizes the selfless, hard-working spirit that is the backbone of communities throughout our great nation. The Corona Chamber and the community of Corona are significantly better off thanks to Mike's tireless efforts.

I want to express my appreciation for Mike's tremendous contributions on behalf of our entire community and congratulate him on the tremendous leadership he displayed as chairman of the board.

A TRIBUTE TO THE LIFE OF MAYOR WILLIAM J. COOK

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the life and legacy of Mayor William ''Billy Joe'' J. Cook of Camden, Arkansas who died Friday, December 16, 2005 at the age of 80.

A Navy veteran, Mayor Cook attended Arkansas Teachers College in Conway where he obtained a dual degree in business and mathematics. Working for ten years as a salesman for Burroughs Business Machines in Little Rock, Pine Bluff, and El Dorado, Mayor Cook decided to go into business with his father as a distributor of Texaco products in Camden.

No stranger to public service and remembered for his utmost integrity, Mayor Cook served on the Camden City Council for 7 years and as mayor of Camden for 2 years. In his free time, Mayor Cook enjoyed spending time outdoors tending to his garden and raising Tennessee Walking horses.

My heartfelt condolences go out to Mayor Cook's wife, Helen Lynch Cook; his daughter, Cindy Cook Tittle; and his sister, Weegie Watts. While Mayor Cook may no longer be with us, his legacy and his spirit will always live on in all the lives he touched.

CELEBRATING THE BIRTH OF SANJNA VIJAYA PANDIT

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Rahul and Lavannya Pandit of Houston, Texas, on the birth of their new baby daugther. Sanjna Vijaya Pandit was born on January 12, 2006, at 2:20 a.m., weighing 7 pounds, 5 ounces and measuring 19 inches long. Sanjna has been born into a loving home, where she will

be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

TRIBUTE TO MR. GEORGE WEEKS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. KILDEE. Mr. Speaker, I rise to honor George Weeks, who is retiring as a political columnist from The Detroit News, where he has written for over 20 years. George has been the premiere political columnist for Michigan for over two decades.

George Weeks was born in 1932 in Traverse City, MI. A graduate of Traverse City High School in 1950, Weeks stayed close to home, earning his undergraduate degree in journalism from Michigan State University just 4 years later.

George Weeks spent the first 15 years of his journalism career at United Press International, working as a Lansing staff correspondent and later Bureau chief, Detroit Bureau radio and news editor, diplomatic correspondent, and Washington foreign editor. He also entered public service as press secretary, special counsel, and executive secretary for Michigan Governor William G. Milliken, who later remarked of Weeks's character and credibility as the chief reason Weeks was able to seamlessly move from journalism to public service and back.

In 1981, Weeks resumed his studies as a Kennedy Fellow at the prestigious Harvard University Institute of Politics. However, Weeks's love for on-the-record journalism brought him back to print as a political columnist for the Detroit News in 1983, where he remained until his retirement. During that time he freelanced many articles and has written several books on Michigan. Weeks was honored for his 40 years as journalist, historian, and public servant with a well-deserved place in the Michigan Journalism Hall of Fame in 1996.

Mr. Speaker, for over 20 years, George Weeks brought a keen eye, a sharp wit and a unique perspective to Michigan and national politics. His work will be greatly missed by the people of Michigan.

HONORING THE RETIREMENT OF GEORGE WEEKS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. DINGELL. Mr. Speaker, today I rise to pay tribute to my dear friend, George Weeks, on the occasion of his retirement from the Detroit News after 22 years of distinguished service.

A long-time Michigan resident, George graduated from Traverse City High School in 1950. He then earned a bachelor's degree from Michigan State University in 1954. In 1981, George returned to the academic world at the Harvard University Institute of Politics as a Kennedy Fellow.

George began his journalism career at United Press International in 1954. During his 15 years there his duties included Lansing staff correspondent, Detroit Bureau radio and news editor, Lansing Bureau Chief, diplomatic correspondent and Washington foreign editor. In 1969 George began his career in the staff of Governor William G. Milliken as press secretary and later became Milliken's chief of staff. After 14 years in public service, George resumed his journalism career, becoming a political columnist for The Detroit News.

Over the span of his career, George has covered the White House, State Department and Pentagon, was a panelist on ''Meet the Press,'' and was a member of the White House Correspondents Association, the State Department Correspondents Association and Overseas Writers. He is also a recipient of the Outstanding Alumni Award of MSU's College of Communications Arts and an inductee into the Michigan Journalism Hall of Fame. A noted author, George has published ''Stewards of the State: The Governors of Michigan,'' ''Sleeping Bear: Its Lore, Legends and First People,'' ''Sleeping Bear: Yesterday and Today,'' and co-authored ''Michigan: Visions of Our Past.''

His many accomplishments serve as a lasting example of excellence in journalism. Michigan has been well-served by George Weeks, his insight and knowledge of Michigan politics will be deeply missed.

I would like to thank George for his dedicated service both to the Detroit News and the Michigan community. As he enters his retirement years, I would ask that my colleagues join with Deborah and I to wish him and his wife, Mollie, a very happy, healthy and relaxing future.

TRIBUTE TO MR. GEORGE WEEKS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Mr. George Weeks, a long-time political journalist for the Detroit News, who is set to retire from writing his weekly column. Mr. Weeks has had a long and illustrious career as a journalist—evidenced by his induction into the Michigan Journalism Hall of Fame in 1996. However, his accolades and accomplishments are by no means limited to the field of journalism.

Mr. Weeks not only reported political news, but helped make some of it himself. He served as press secretary and chief of staff for Governor William G. Milliken for 14 years. Mr. Weeks used the expertise he gained in Governor Milliken's office to earn the position of a Kennedy Fellow at Harvard University.

Mr. Weeks, a native of Traverse City, MI, is a true Michiganian—an expert, not only in Michigan politics, but in Michigan culture and history as well. I would like to extend my thanks to him for all of his good work and wish him well in his retirement. The Wolverine State is better off for the contributions of George Weeks.

HONORING GEORGE WEEKS ON HIS RETIREMENT

HON. JOHN J.H. "JOE" SCHWARZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to honor George Weeks as he retires as a columnist for The Detroit News.

George Weeks has seen it all. No one knows more about the issues that are important to Michigan than him. He's been around politics and government longer than most people I know, and as such, like few others, he can be counted on to provide insight and perspective on the news of the day. He not only tells readers what the news is, but he tells them what it means.

George began his journalism career with United Press International, covering the White House, Foggy Bottom and Capitol Hill. He rose to the post UPI's top foreign editor. After his work in Washington, George exchanged the U.S. Capitol for the State Capitol upon becoming UPI's Lansing bureau chief. Recognizing his talent, he was soon tapped by Gov. William Milliken to serve as his press secretary and rounded out his service to the administration as the governor's chief of staff.

Since that time, George has ably served The Detroit News as its political columnist. George's passion for Michigan, the Great Lakes and the environment in general is evident in every column he writes. A workhorse and not a showboat, George effectively brings attention to the most important issue facing our Nation, without making the story about himself. He has always conducted himself with the utmost dignity and integrity and it has been a pleasure to work with him.

With great pleasure I join my colleagues in honoring George Weeks, a great journalist.

HONORING DETROIT NEWS COLUMNIST GEORGE WEEKS UPON HIS RETIREMENT

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor the Detroit News columnist George Weeks upon his retirement.

George Weeks, who with the support of his wife, Mollie, covered Michigan politics for the Detroit News since 1984 with depth, integrity and fairness. George Weeks is a rare professional who during his career was able to seamlessly transition from reporting on politics to serving in government to returning to his original craft.

After initially serving his country in the U.S. Army, George Weeks launched his career in journalism by working for United Press International in Lansing and Detroit. He would later become UPI's diplomatic correspondent and Washington foreign editor, positions that took him to regions spanning the globe.

He began his service in government as the press secretary to Michigan Governor William G. Milliken in 1969, and later rose to become the governor's executive secretary. In 1984, he returned to the fourth estate when he became a columnist for the Detroit News with a

much broader perspective and insight into politics and government.

George Weeks is respected by his readers and his peers alike for his unique perspective on state, national and international affairs, and was recognized for his work when he was inducted into the ranks of the Michigan Journalism Hall of Fame nearly a decade ago.

Mr. Speaker, please let it be known that on this 8th day of February in 2006, that the U.S. House of Representatives acknowledges the contributions and achievements of George Weeks as he writes the next chapter of his life.

TRIBUTE TO GEORGE WEEKS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. CAMP of Michigan. Mr. Speaker, I rise today to pay tribute to George Weeks, a distinguished resident of my district and a man whose home number is rung by American Presidents, U.S. Senators and Representatives, Governors, state legislators and local officials alike. As Michigan's foremost political columnist, a mention in George's tri-weekly submissions is courted by candidates for reasons far beyond the sheer volume of his readership. In a career that has spanned 5 decades and nearly as many continents, George's work epitomizes the fairness preached in j-schools across the country. It is no surprise that his praise is sought by both Republicans and Democrats, and it is certainly no surprise that George was inducted into the Michigan Journalism Hall of Fame long before his retirement. Michigan politics has been well served by this honored scribe. As George enters ''retirement,'' and the Detroit News loses its Glen Arbor Bureau, his commentary will be missed, but his work will long be remembered.

On behalf of the Fourth Congressional District, I extend best wishes to George and Mollie Weeks and sincerely thank them for their service to the great state of Michigan.

CONGRATULATING DETROIT NEWS COLUMNIST GEORGE WEEKS ON HIS RETIREMENT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. EHLERS. Mr. Speaker, I rise today to pay my respects to a man who can be rightly described as a Michigan institution—George Weeks, who recently announced his retirement from his post as key political columnist for the Detroit News.

Since December 1983, George kept his readers well informed about federal, state and local political events in Michigan. Prior to that, George served the people of Michigan in his role as press secretary and, later, chief of staff to Governor William G. Milliken, beginning in 1969. During this time, he also worked as a consultant for the National Governors' Association. Before working for Governor Milliken, George had a successful 14-year career with United Press International, serving as a correspondent and bureau chief in Lansing, Detroit, Grand Rapids and Washington.

A native of Traverse City and a journalism graduate of Michigan State University, George is a very deserving 1996 inductee of the Michigan Journalism Hall of Fame.

I have known George Weeks professionally for many years, dating back to when I served in the Michigan Legislature in the 1980s and early 1990s. George is the only reporter that I ever dealt with who had a higher opinion of my ability than I did, and I greatly appreciate his superb insight. Seriously though, I have always found George to be eminently careful and thoughtful in his reporting and writing, and he is one of the finest journalists I have known.

I wish George all the best as he moves into this new phase of his career and life, but all of us who were his readers and the subjects of his writing will be the poorer for it.

IN RECOGNITION OF MR. GEORGE WEEKS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. KNOLLENBERG. Mr. Speaker, I rise today to congratulate Mr. George Weeks on 40 years of outstanding service to the residents of Michigan and to the institution of American journalism.

Mr. Weeks has dedicated his life to reporting in an honest, trustworthy, and professional manner. His commitment to quality journalism and public service has been a valuable asset to the greater Detroit community and to the State of Michigan.

George Weeks' fearless pursuit of excellence has touched the lives of many. His distinctive ability, combined with his genuine concern for the community, has set the standard for journalists and public servants to come.

Although I may not have personally agreed with every commentary, Mr. Weeks has always provided unique insight and clarity on political issues and current events. His ability to communicate and his true devotion to his readers have been incredible assets to our area. His presence in our papers will be sincerely missed.

Today I rise to thank George Weeks for his lifetime of service and dedication to our community, to congratulate him on his many accomplishments, and to wish him the best in his well-earned retirement.

PAYING TRIBUTE TO GEORGE WEEKS, A MICHIGAN JOURNALIST AND AUTHOR

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of George Weeks, who is retiring after more than a quarter century of serving the people of Michigan as their journalistic eyes and ears on the comings and goings of their elected officials.

George Weeks is well-known and highly regarded in Michigan where, as a journalist, author of several books, and columnist, he has chronicled the actions of Michigan leaders in local, state and federal government.

During his career, George served in Michigan and in Washington, DC for 14 years as a reporter, bureau chief, and foreign correspondent for United Press International (UPI). In Washington, he covered the White House, State Department and Pentagon, and was a panelist on radio and television shows, including NBC's ''Meet the Press.''

From his days as a Michigan State University (MSU) student working as a stringer for both The Detroit News and UPI, George's career has spanned the terms of at least 7 U.S. Presidents and 5 Michigan Governors. In fact, George interrupted his journalistic career to work as press secretary and later Chief of Staff for Michigan Governor William Milliken.

Thankfully, George's love of journalism brought him back to The Detroit News as a columnist where he has become a Michigan icon, writing about politics as well as state and federal issues with insight and historical perspective. His commitment to quality journalism has made him a highly respected favorite with readers across the state.

The good news for Michigan readers and admirers of George is that while he may be stepping down as a regular Detroit News columnist, he still plans on writing occasional columns and also will be taking time to pursue some of his other writing interests.

Mr. Speaker, I ask my colleagues to join me in honoring George Weeks for the role model he is to young journalists just starting out, and for his integrity and commitment as a leader in his chosen field. He is truly deserving of our respect and admiration.

CONGRESSIONAL TRIBUTE ON THE RETIREMENT OF COLUMNIST GEORGE WEEKS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a journalistic legend and a valued Michigan native, columnist Mr. George Weeks. This long time newsman, acclaimed author and Michigan historian has epitomized the ability to provoke thought and challenge ideology through his interviews and written works.

Born in 1932 in Traverse City, Michigan, a city I proudly represented for 8 of my 14 years in Congress, Mr. Weeks was exposed to the beauty of northern Michigan and the values of rural America. After graduating from Traverse City High School in 1950, Mr. Weeks attended and graduated from Michigan State University (MSU). He spent 18 months as an Army officer before beginning his lengthy career in journalism and politics.

His career in news began in 1954 when he took a job as the Lansing staff correspondent for United Press International (UPI). In the 14 years he spent with UPI, he also served as the Detroit Bureau radio and news editor, Lansing Bureau chief, diplomatic correspondent, and Washington foreign editor. While in Washington DC, Mr. Weeks became a member of the White House Correspondents Association, the State Department Correspondents Association and Overseas Writers. His coverage

abroad took him to the former Soviet Union, Africa, Europe, Latin America and Asia.

The time he spent covering politics in Michigan and beyond placed him among the prestigious Who's Who in America list and served as valuable knowledge as he transitioned to Press Secretary for Michigan Governor William G. Miliken. After beginning with Governor Miliken in 1969, Mr. Weeks went on to serve as a member of the Governor's special council and then as his chief of staff.

The opportunity to work in the Miliken administration would serve as a foundation later for one of his greatest literary works. In the meantime, Mr. Weeks went on to be a Kennedy Fellow in 1981 attending Harvard University Institute of Politics. His research led him to conduct a study and subsequently write a published paper on outstanding governors of the 20th century.

Mr. Weeks then found his way back to his home state of Michigan when he took a job as the political columnist for the Detroit News in 1983. His written works on topics ranging from public affairs to political developments earned him the Outstanding Alumni Award of MSU's College of Communications Arts.

In his limited time, Mr. Weeks wrote several books on a range of topics close to his heart. These literary works included: Stewards of the State: The Governors of Michigan (1987; revised 1991), which won the Michigan Small Press "Book of the Year Award" and the achievement award from the Greater Michigan Foundation; Sleeping Bear: Its Lore, Legends and First People (1988; fifth printing in 2000); Sleeping Bear: Yesterday and Today (1990; expanded edition 2005) and MEM-KA-WEH: Dawning of the Grand Traverse Band of Ottawa and Chippewa Indians (1992). He also co-authored The Miliken Years; A Pictorial Reflection (1988) and A Handbook of African Affairs (1964) and also contributed to Michigan: Visions of our Past (1987) and The Royal Cookbook (1969).

As if writing a column as a foremost expert on politics in the state of Michigan or authoring a number of books as a foremost expert on the history of our fascinating state weren't enough, Mr. Weeks also invested time in organizations committed to causes he cherishes. Mr. Weeks has served on the Board of Directors for the Clarke Historical Library at Central Michigan University, the Sleeping Bear Dunes National Lakeshore Advisory Council, and on the planning committee for the annual observance of Michigan Week. Michigan Week, started by his father Don Weeks, is an event aimed at promoting pride throughout the state.

Mr. Speaker, George Weeks and his wife Mollie, have also raised two wonderful children, Julie and Don, along their exciting and unique journey thus far in life. Now residing in Glen Arbor, Michigan, I understand that he plans to continue his writing by imparting his wisdom and knowledge through columns in small hometown papers in northern Michigan. It also seems fitting that he plans to do what George does best by turning his endless quest for knowledge on issues he's passionate about into written works that serve as learning tools for others.

Today, I join a long list of individuals, including the Michigan Congressional Delegation, who have had the opportunity to work with, learn from or even know Mr. George Weeks in saying "Thank You". Many of us have been on the other end of the phone line with George waiting to see if his modest voice would invite a robust conversation about topics in which we shared alike thoughts or if he would ask a question that required careful and considerate thought in answering. Whether you have agreed with him or not on a topic he wrote, you respected his integrity and his ability to be fair in cracking though rhetoric to the truth of the matter.

Mr. Speaker, I ask the United States House of Representatives to join me in recognizing Mr. George Weeks for his commitment to the value of a profession that has often been equated to the fourth branch of government, for his dedication to fair and balanced reporting, for the integrity he brings to this sometimes volatile political world and for his deep, genuine appreciation for the great state of Michigan. Thank you, George!

I certainly wish George Weeks and his wife Mollie the best in retirement and I look forward to our future conversations.

TRIBUTE TO GEORGE WEEKS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. McCOTTER. Mr. Speaker, I rise today to acknowledge and honor George Weeks, who is retiring from his position as political columnist for the Detroit News.

In 1954, Mr. Weeks commenced his career with the Detroit News as a campus stringer at Michigan State University. After honorably serving 18 months in the United States Army, he worked for the United Press International bureaus in Lansing and Detroit; subsequently, in 1967 he became UPI's diplomatic correspondent in Washington D.C. Then, in 1969, he left journalism to serve as the press secretary and then chief of staff to Gov. William G. Milliken. After a stellar stint in public service, Mr. Weeks returned to journalism with the Detroit News as the paper's political columnist.

Mr. Weeks earned many honors and awards for his fair and balanced coverage of Michigan politics and, in 1996, he was inducted into the Michigan Journalism Hall of Fame.

Mr. Speaker, I offer my congratulations and appreciation for the excellence and integrity Mr. Weeks has displayed throughout his distinguished career, and ask my colleagues to join in honoring him.

TRIBUTE TO MR. RICHARD A. RYAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. KILDEE. Mr. Speaker, I rise to honor Richard A. Ryan, who is retiring from his post at The Detroit News, after 40 years as a distinguished news reporter, 37 of those years a Washington correspondent.

Dick Ryan has spent most of his life in journalism, reporting for the Muskegon Chronicle and Toledo Blade before establishing his position at the Detroit News in 1966. Ryan was at the News for the tumultuous Watergate period, ending with the historic 1974 resignation of President Richard Nixon and subsequent elevation of former Michigan Congressman Gerald Ford to the nation's highest office. Ryan watched as Ford was sworn in as the nation's 37th President, announcing the end of what he called "our long national nightmare."

In all, Dick Ryan covered the highs and lows of seven presidents, from Nixon to George W. Bush, traveling overseas with Ronald Reagan for his memorable speech in West Berlin, urging the tearing down of the Berlin Wall. He witnessed the first official visit of an Arab leader to Israel, watching a tenuous peace process initiated by Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin, whose nations had been at war for decades. He viewed the talks that culminated in the signing of a historic peace agreement between the two nations before the world at the White House.

In addition, Dick Ryan served as President of the Washington-based National Press Club in 2000, elected to that post by his peers in journalism. After a career that has placed him in the front row of some of this country's most fascinating events, he will enjoy his retirement enjoying the company of his five grandchildren, golf, travel, and the endless pursuit of every true journalist: writing.

Mr. Speaker, I have known Richard Ryan to be a person of great professionalism and absolute integrity. He has truly brought credit to a profession which he has served so well. The Michigan Congressional delegation will certainly miss the integrity, dedication and professionalism which drove Dick to always get the story right, and the people of Michigan will miss his insightful reporting from Washington. And I will miss Dick Ryan because not only is he a consummate professional journalist, he is a very dear personal friend.

HONORING THE RETIREMENT OF RICHARD RYAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. DINGELL. Mr. Speaker, today I rise to pay tribute to my dear friend, Richard (Dick) Ryan, on the occasion of his retirement from the Detroit News after 40 years of distinguished service.

A Michigan native, Dick graduated from Wayne State University in 1963 with a major in journalism. Prior to joining the Detroit News in 1966, he worked at the Muskegon Chronicle and the Toledo Blade.

Over the span of his career, Dick has been an eyewitness to four decades of national politics, covering the White House, Congress and the U.S. Supreme Court. He has covered seven presidents, reporting on such historical events as the Watergate scandal, Anwar Sadat's visit to Israel and President Reagan's famous "tear down this wall" speech in Berlin. Because of Dick's reporting skills, Detroiters were always well-informed on some of the most important events in the world.

Currently, Dick is president of the Gridiron Club, an organization of 65 Washington-based journalists. He was also the 2001 president of the National Press Club.

For all that Dick has done in Washington, he has never forgotten about where he is from

and who is reading his stories. While he has become a familiar face here in Washington, he has stayed committed to the people of Detroit and southeastern Michigan.

His many accomplishments serve as a lasting example of excellence in journalism. Michigan has been well-served by Dick Ryan, his insight and knowledge of Michigan politics will be deeply missed.

I would like to thank Dick for his dedicated service both to the Detroit News and the Michigan Community. As he enters his retirement years, I would ask that my colleagues join with Deborah and I to wish him and his wife, Dorothy, a very happy, healthy and relaxing future.

PAYING TRIBUTE TO RICHARD RYAN ON HIS RETIREMENT

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Richard (Dick) Ryan on his retirement from the Detroit News where he has spent nearly 40 years reporting on Washington, writing about Presidents, politics and the people who make this Nation tick.

For the people of Michigan, Dick Ryan was the observer and scribe of many of America's most momentous national events, and many with international impact.

Dick was there when President Reagan called on Gorbachev to "tear down" the Berlin Wall, and when President Nixon stepped down and Michigan's own, Gerald R. Ford, was sworn in as President of the United States.

It was through Dick's eyes and with his words that Detroit News readers learned about more than 36 years of Presidential political campaigns, the visits of world leaders to the White House, America's part in world events, including the peace agreement signed at Camp David in the late 1970s, and of the demise of one President under impeachment and the survival of impeachment by another.

Highly respected by his readers and his peers, Dick leaves the Detroit News with a legacy that is unparalleled. His time as, in his own words, "an eyewitness to history," is a remarkable record.

Dick Ryan's years of service to his readers and our Nation are legendary and we wish him well as he undertakes a new mission: retirement, enjoyment of his family, and an opportunity to write at his leisure.

Mr. Speaker, I ask my colleagues to join me in honoring Richard (Dick) Ryan as he begins this new adventure in life. He is truly deserving of our respect and admiration.

HONORING DETROIT NEWS SENIOR WASHINGTON CORRESPONDENT RICHARD A. RYAN UPON HIS RETIREMENT

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor The Detroit News Senior Washington Correspondent, Richard A. Ryan upon his retirement.

Dick Ryan is a dedicated professional who devoted his career to journalism, beginning with the Muskegon Chronicle, a daily newspaper located in Michigan's Second Congressional District.

Dick Ryan went on to acquire nearly four decades of experience with The Detroit News, including serving 37 years in the Washington bureau as a correspondent.

His reporting on public policy and politics includes covering Congress, the U.S. Supreme Court, multiple foreign assignments and seven Presidencies beginning with President Richard Nixon.

He witnessed firsthand President Ronald Reagan's speech in 1987 at Brandenberg Gate that two years later led to the fall of the Berlin Wall, as well as Egyptian leader Anwar Sadat's historic journey to Jerusalem in 1977 to initiate a peace process.

Dick Ryan's peers have recognized his accomplishments and dedication by appointing him to such positions as president of the National Press Club and president of the legendary Gridiron Club.

Mr. Speaker, please let it be known on this eighth day of February in 2006, that the U.S. House of Representatives acknowledges the contributions and achievements of Dick Ryan and wishes him well upon his retirement.

A VOTE FOR MERCHANT MARINERS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. FILNER. Mr. Speaker, my bill, H.R. 23, the "Belated Thank You to the Merchant Mariners of World War II Act" will correct the injustice that has been inflicted on a group of World War II veterans, the World War II United States Merchant Marines.

Senator LARRY CRAIG has posted on his Web site his views of S. 1272, the Senate companion bill to H.R. 23. His views have been addressed by the co-chairs of the Just Compensation Committee of the U.S. Merchant Marine Combat Veterans. They have requested that the Senator's views and their letter be placed into the CONGRESSIONAL RECORD.

What is Senator Craig's position on S. 1272?

Without question, the service provided by members of the U.S. Merchant Marine was invaluable to America's victory over the Axis powers during World War II. Merchant Mariners in oceangoing missions served alongside active components of the Armed Forces as they braved the Pacific and Atlantic Oceans to deliver vital supplies and manpower to the warfront. Undaunted by their difficult missions, Merchant Mariners suffered heavy casualties from enemy naval forces and land-to-sea artillery fire. To all members of the U.S. Merchant Marine who put themselves in harm's way, I say "thank you" for your service.

Civilian groups like the U.S. Merchant Marine have frequently performed the equivalent of military service throughout our nation's history. In recognition of that fact, Congress, through the enactment of Public Law 95–202 (established in 1977), a process by which civilian groups could be recognized for their service and be classified as "veterans" for purposes of all benefits administered by the Department of Veterans Affairs (VA). The Secretary of the Air Force was chosen to be the Executive Agent of the Defense Department in making decisions about granting that status. And the Air Force Secretary's decisions are informed by a review process conducted by the Civilian Military Service Review Board. Since 1977, 30 groups have been recognized as having attained veteran status. In 1988, members of the U.S. Merchant Marine who served between December 7, 1941 and August 15, 1945 were recognized.

The criteria for having civilian service equated with military service are necessarily stringent. That is as it should be; we should never water down what it means to be a veteran of the United States Armed Forces.

With that perspective in mind, I turn now to the merits of S. 1272. S. 1272, among other things, would entitle certain members of the U.S. Merchant Marine (or, if deceased, their surviving spouses) who served between December 7, 1941 and December 31, 1946, to a $1,000 monthly payment. The $1,000 monthly payment would be in addition to any other VA benefits. The following are the reasons why I do not support S. 1272:

(1) The cost of S. 1272 is considerable. Senate rules would require the Committee to identify offsets for the new entitlement spending. Assuming that just 3,000 Merchant Mariners and surviving spouses are alive today (the lowest estimate I have heard), the Committee would have to find $36 million of offsets in the first year alone. And the Committee would be limited to finding those offsets within other veterans' benefits programs and services, a task that I and other Senators undertake only under extraordinary circumstances.

(2) The precedent set by enacting S. 1272 would likely result in additional spending. For example, the Congress would have very little justification to not extend the same $1,000 monthly payment to the 29 other groups who have been recognized since 1977 as having attained veteran status. Furthermore, Congress has often granted benefits to veterans long after their service. For example, Congress did not establish presumptions of service-connection for Vietnam veterans exposed to Agent Orange until 20 years after the herbicide spraying had ceased. S. 1272 might create an expectation that retroactive payments for these, and other veterans is owed.

(3) While service in the U.S. Merchant Marine during World War II was extremely dangerous, there is little precedent for conferring a VA benefit (on top of all other benefits) on the basis of casualty rates, danger of duty, or acts of gallantry. Only Medal of Honor recipients receive such a payment. To use a similar justification to award Merchant Mariners a $1,000 monthly payment would rightly lead to claims from others who served no less valiantly than they.

(4) As previously mentioned, members of the U.S. Merchant Marine who were in active oceangoing service between December 7, 1941 to August 15, 1945 are already veterans, entitled to full veterans' benefits from VA. However, S. 1272 would confer a veterans' benefit on individuals who served (in addition to the dates above) between August 16, 1945 and December 31, 1946. In effect, the bill seeks to grant a veteran's benefit to individuals who are not veterans.

For all of these reasons, I cannot support S. 1272. I want to make clear however, that my opposition to S. 1272 does not mean that I do not share a profound respect for the service rendered to the country by members

of the U.S. Merchant Marine who served during World War II. They were rightly recognized as veterans of the Armed Forces in 1988, and the nation owes them gratitude.

The response from the Merchant Mariners:

Senator LARRY E. CRAIG,

Chairman, U.S. Senate Committee on Veterans Affairs, Washington, DC.

Mis-information is prevalent and must be rebutted when Veterans of World War II are maligned. Especially the reputations of 9,000 men who gave their lives for this country and lay for the most part in Davy Jones' locker at the bottom of the sea. There are no monuments or headstones where they lay forgotten by the millions of people who benefited from their valiant sacrifices. There are no MIA lists because the government didn't want to disclose the huge losses in the Merchant Marine during World War II.

Let's correct the Record—I am referring to the website of the U.S. Senate Committee on Veterans' Affairs. A Bill before the U.S. House of Representatives, H.R. 23—''A Belated Thank You to the Merchant Mariners of World War II Act of 2005'' and its companion Bill in the U.S. Senate, S. 1272 sponsored by Senator Ben Nelson of Nebraska is under attack by Senator Larry Craig of Idaho. We would like to point out that this attack is full of misinformation.

Senator Craig is eloquent in his praise of the U.S. Merchant Marine but undermines their credibility with erroneous and false statements, possibly not intentional but nevertheless damaging to their efforts to establish their rights under the G.I. Bill that benefited all other Veterans of World War II.

(1) Senator Craig lists on his website as item No. 1 ''The Cost of S. 1272 is considerable'' assuming that just 3,000 Merchant Marine and the wives are alive today. Two things are wrong about that statement. Compared to the cost of lives lost on September 11th at over $1,400,000 each, the cost per surviving Merchant Marine remaining life span under S. 1272 is negligible. A truer count of remaining Merchant Marine Veterans of World War II has been estimated at close to 10,000 with an estimated 3,000 wives. This has been established by the survivors in their voluntary unincorporated association of the Just Compensation Committee members. It is hard to believe that the Veterans' Affairs Committee would be hard pressed to find $120,000,000 to fund the first year of an approximate ten year cost to compensate these Veterans for the 40 years of failure to deliver them the G.I. Bill of Rights.

(2) Senator Craig further says on his website that S. 1272 would result in additional spending on 29 other groups who have attained Veterans' status also. These 29 groups total less than 1,000 civilians under military authority, most of whom are dead today and were very far from ''harm's way.'' The Merchant Marine had 250,000 men on armed vessels during World War II, all volunteers, who were in ''harm's way'' 100 percent of their service time with 81% exposed to enemy action. Senator Craig states that Congress often granted benefits to Veterans long after service. Millions and millions of dollars were granted to Veterans under the G.I. Bill of 1944. The problem is Congress has failed to pay the Merchant Marine Veterans for over 40 years.

(3) Senator Craig keeps referring to the Merchant Marine claim as similar to Medal of Honor recipients. This is not true and a distortion of facts. All other Veterans of World War II received assistance in the equivalent value of $120,000 in 1946 dollars. Adjusted for inflation, the U.S. Government owes the Merchant Marine Veterans over $1 million dollars each for their 40 years of neglectful lack of timely payment of benefits. No one covets the $1,000 per month paid to Medal of Honor recipients which the government bestows on them. A $1,000 per month for the 78- to 88-year-old Merchant Marine Veterans of World War II with an expected 3- to 5-year remaining lifetime is a bargain settlement for our government. Most of these aged Veterans subsist on Social Security payments and Medicare struggling to survive in these days of rampant inflation.

(4) Senator Craig states in his website that ''In effect, the bill seeks to grant a Veterans' benefit to individuals, not Veterans.'' The U.S. Congress passed the Fairness Act that recognized that World War II officially ended December 31, 1946 and those who gave service up to that date were entitled to be called Veterans.

We thank Senator Craig for stating that the members of the U.S. Merchant Marine during World War II ''were rightly recognized as Veterans of Armed Forces in 1988 and the nation owes them its gratitude.''

I would like to refresh the recollection of the members of the House of Representatives and the U.S. Senate by setting forth the words of the most honored leaders of World War II as to their regard of the men who sailed the ships of the Merchant Marine.

The Merchant Mariners of World War II have been our forgotten heroes.

''The men and women who build the ships, the men who sail them, are making it possible to transport fighting men and supplies wherever they are needed to defeat the enemy. The Army is deeply indebted to these men and women for their unceasing effort to do everything in their power to hasten the day of victory.''—General of the Army George C. Marshall, U.S. Army Chief of Staff.

''When final victory is ours there is no organization that will share its credit more deservedly than the Merchant Marine.''—General of the Army Dwight D. Eisenhower, Allied Expeditionary Forces in Europe.

''The Merchant Marine . . . has repeatedly proved its right to be considered as an integral part of our fighting team.''— Fleet Admiral Chester W. Nimitz, Commander-in-Chief, Pacific Theater.

''The men and ships of the Merchant Marine have participated in every landing operation by the United States Marine Corps from Guadalcanal to Iwo Jima—and we know they will be at hand with supplies and equipment when American amphibious forces hit the beaches of Japan itself . . . We of the Marine Corps salute the men of the merchant fleet.''—General A.A. Vandergrift, Commander, U.S. Marine Corps.

''. . . their contribution was just as important as that of the troops . . . During the Tripoli campaign I went down to the waterfront and personally thanked the men and skippers of the merchant ships for getting through with the stuff . . .''— Field Marshall Sir Bernard Montgomery.

''Because the Navy shares life and death, attack and victory, with the men of the United States Merchant Marine, we are fully aware of their contribution to the victory which must come.''—Fleet Admiral Ernest J. King, Commander-in-Chief of the Fleet and Chief of Naval Operations.

''I wish to commend to you the valor of the merchant seamen participating with us in the liberation of the Philippines. With us they have shared the heaviest enemy fire. On these islands I have ordered them off their ships and into foxholes when their ships became untenable targets of attack. At our side they have suffered in bloodshed and in death . . . They have contributed tremendously to our success. I hold no branch in higher esteem than the Merchant Marine Service.''—General of the Army Douglas MacArthur.

''Our growing power on the seas is not alone a war measure. As a post-war policy, American ships will retain the commanding position in world trade which we are now approaching our war effort . . .''—Vice Admiral E.S. Land USN (Ret.), War Shipping Administrator.

HONORING DAVE DONAHUE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to offer my warmest congratulations to Dave Donahue on the occasion of his retirement from Clear Channel broadcasting. I am certain that all who have had the opportunity to work with him during his illustrious career will miss him.

Dave Donahue is a recipient of the Country Music Association's ''Station of the Year Award'', Billboard's ''Top Ten Programmers Award'', and has served on the board of directors for the Country Music Hall of Fame Awards. He became the first Agenda Chairman for the Country Radio Seminar and was its first Exhibit Hall Director. He is a commissioned Kentucky Colonel and a former legislative director for the State of Tennessee House of Representatives. In 2000, Dave was inducted into the Country Music DJ Hall of Fame.

Dave Donahue has had a long and successful career that has spanned many years of outstanding service, dedication, hard work, devotion, and love for country music. I am proud to recognize Dave Donahue for his tireless dedication to the entertainment industry. I ask my colleagues to join me in congratulating Dave on his wonderful service to the community.

TRIBUTE TO SENATOR EUGENE J. MCCARTHY

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. MILLENDER-MCDONALD. Mr. Speaker, as we resume our business I want to pause for a moment and note the death of a giant in American political history. On December 10, 2005, the Honorable Eugene Joseph McCarthy, former Representative and Senator from Minnesota, departed this life at age 89. Although many Americans, especially the young, may not know much of McCarthy's career or his role in our country's history, we are all fortunate that he chose public service and once trod the halls of this Capitol as a Member.

In the days following the Senator's death here in Washington of the effects of Parkinsonism, much has been written about him. Born on March 29, 1916, McCarthy grew up in Watkins, Minnesota, where, he once said, the culture revolved around baseball, the church, and the railroad. After earning a master's degree at the University of Minnesota, following initial diversions through study for the priesthood and a semi-professional baseball career, McCarthy became a college professor. He worked in the War Department during

World War II and married, having three daughters and a son. In 1948, the historic election ultimately featuring the erroneous Chicago Tribune headline ''Dewey Defeats Truman,'' McCarthy won a seat in the U.S. House, representing St. Paul. Taking his seat in 1949, Eugene McCarthy embarked on a solidly liberal voting record in the House, whose Members included John F. Kennedy, Gerald R. Ford, and Richard M. Nixon.

It immediately became clear that Eugene McCarthy had uncommon political courage. During his first term, another McCarthy, Republican Senator Joseph McCarthy of Wisconsin, created an uproar in a February 1950 speech in Wheeling, West Virginia, by waving around an alleged list of Communists in the State Department.

Joe McCarthy's subsequent Red-baiting rampage through the early 1950s thus began, destroying numerous peoples' careers and intimidating countless more. In 1952, Eugene McCarthy, then a second-term Congressman of the minority party, had an opportunity and the courage to confront the author of ''McCarthyism'' in a nationally broadcast television debate, one of the earliest of its kind. Observers of the ''McCarthy vs. McCarthy'' debate considered the outcome a draw—in reality, a tremendous victory for the mild-mannered Congressman from Minnesota.

After five terms in the House, during which he helped to found the Democratic Study Group, an organization committed to advancing liberal public policies, Eugene McCarthy successfully challenged the incumbent conservative Republican Senator Edward Thye. For Democrats, the 1958 election yielded spectacular results, and McCarthy joined a large class of new Senators, one of whom, the distinguished senior Senator from West Virginia, Mr. BYRD, serves to this day.

In the years to follow, the new Senator McCarthy continued his solidly liberal voting record, supporting civil rights, anti-poverty legislation, and the creation of Medicare. He decried racism and the ills of poverty, and supported most proposals of the ''New Frontier'' and the ''Great Society'' during the Kennedy and Johnson administrations.

Of course, the momentous event of Eugene McCarthy's 22 years in Congress was his courageous, insurgent campaign for the 1968 Democratic Presidential nomination, which changed the course of history for America and the world.

Like 87 other Senators, Eugene McCarthy had voted for the Tonkin Gulf Resolution in August 1964, which gave President Johnson authority to wage war in Vietnam. The climate in which that vote had occurred, a few days after an alleged attack by North Vietnamese patrol boats against two American destroyers, made the resolution virtually impossible to oppose. But Senator McCarthy, who served on the Senate Foreign Relations Committee, came to regret his vote when it became clear to him that the Johnson administration would expend vast sums and thousands of lives in a conflict that even the President himself, we now know from taped telephone conversations, doubted could be won.

McCarthy believed the war was not only unwinnable, but morally wrong. Defying the administration, he urged a new course and called for a negotiated settlement in Vietnam. By the time he announced on November 30, 1967, that he would seek the 1968 Democratic Presidential nomination, more than 15,000 American service men and women had died, along with tens of thousands of Vietnamese, with no end in sight.

Senator McCarthy's decision to challenge President Johnson shocked and divided the Democratic Party and the country. But dissatisfaction with the war policy had found a champion. Senator McCarthy argued that the billions of dollars being spent in Vietnam could be better put to work, and that withdrawal from Vietnam would not hurt American national security. He launched a campaign focusing on four States scheduled to hold Democratic primaries, beginning with New Hampshire.

In addition to others eager for change, the McCarthy campaign attracted the support of thousands of college students from across the country, many of whom flocked into the State and rang doorbells in support of the Senator, explaining the problems with the war and his vision for a rational solution. To respond to the charge that only ''hippies'' and ''communists'' opposed the war, young men shaved their beards and went ''clean for Gene.'' Ben Shahn and other famous artists painted campaign posters, entertainers, including singers Peter, Paul and Mary, who remained the Senator's lifelong friends, wrote and performed.

In the New Hampshire Democratic primary, the Senator received an astounding 42 percent of the vote, to the President's 49 percent, leading the President to withdraw from the race later that month. The McCarthy campaign continued, exhilarated by the result. But after Senator McCarthy demonstrated the vulnerability of the President and overall dissatisfaction with the war, Senator Robert Kennedy entered the race also on an anti-war platform, and fellow Minnesotan Hubert Humphrey, the Vice President, entered as the ''establishment'' Democrat after President Johnson's withdrawal. Following the assassinations of Dr. Martin Luther King, who had endorsed Senator McCarthy in the California primary, and Senator Robert Kennedy, Vice President Humphrey amassed the delegates needed to win the nomination, and nearly defeated Richard Nixon in the general election.

After leaving the Senate in 1970, McCarthy remained a vital force in American politics, offering an independent point of view on issues, especially campaigns and elections. He wrote dozens of books, poetry, and continued making his unique contribution to our culture until his death.

Mr. Speaker, although the Senator's wife Abigail and their daughter Mary preceded the Senator in death, their daughters Margaret and Ellen survive, along with son Michael. In a personal note, as many of our colleagues know, daughter Ellen McCarthy serves on the Democratic staff of the Committee on House Administration. Every day, Ellen skillfully helps our Committee, other Members and their staffs to navigate the maze of rules, regulations, and other issues they confront in the course of their work here in the House. Speaking for the Committee, we are grateful that Senator McCarthy's dedication to public service led to Ellen's work with us, and we share not only her loss, but also her intense personal pride in her father's accomplishments in this world.

Mr. Speaker, all Members of this Congress, and indeed every American, should give thanks for the life and career of Eugene McCarthy. He had the wisdom to see a wrong, and the courage to act when it mattered, all at great political peril, and ultimately, sacrifice. We have too seldom seen his like before, and I fear we shall not soon see his like again.

CURRENT CROSS-STRAIT RELATIONS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, last spring, China passed the anti-secession law to give Chinese leaders the right to use force against Taiwan if they suspect separatist activities in Taiwan. The deployment of more than 700 missiles along the southeast coast indicates that China still stubbornly clings to a military solution to the Taiwan issue. Mr. Speaker, military intimidation over Taiwan is no solution to the cross-strait relations.

China must learn to respect the aspirations of Taiwan's 23 million people who want to be masters of their own land. China must not block Taiwan's attempts to gain international recognition or to return to international organizations. Taiwan is a free and democratic nation and deserves to be treated with respect by the international community.

Recently, President Chen proposed to prudently think over abolishing all ad hoc institutions under the Office of the President that were not established by law. One of those programs, the National Unification Commission (NUC), has long had its effectiveness in question and he doesn't want to see unification become the only option for the cross-straits relations.

President Chen is a man of peace who has reaffirmed his commitment to maintain the status quo in the Taiwan Strait on many occasions. His goal of reducing tension between Taiwan and China remains unchanged. It is my hope that China will reciprocate Chen's olive branch by renouncing the use of force against Taiwan and resuming dialogue on equal footing and without pre-conditions.

APPRECIATING SOUTH KOREA'S CONTRIBUTION TO THE WAR IN IRAQ

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, three years ago it was my privilege to lead a bipartisan delegation of my colleagues to the Korean Peninsula. At the time, we had a rare opportunity to visit Pyongyang, the capital of North Korea, as well as Seoul, the capital of South Korea, which I have had the pleasure of visiting on more than one occasion. During that trip, we gained a greater understanding and appreciation of the security challenges we face in Northeast Asia and the particular challenges faced by the Republic of Korea. Our delegation made a return trip to North Korea in January 2005.

With that in mind, Mr. Speaker, I rise today to acknowledge the seldom noted fact that our close friend and staunch ally, the Republic of Korea, has contributed the largest contingent

of military personnel in Iraq, after the United States and the United Kingdom. South Korea has currently deployed 3,300 troops to Iraq, performing important functions in the northern part of the country, freeing up U.S. forces for operations elsewhere.

The South Korean government, through legislation passed by its National Assembly in December 2005, extended the time period of deployment of their troops for another year, despite political pressures to withdraw altogether. The extension of the stationing of troops is an expression of South Korea's deep and abiding support for the U.S. efforts to rebuild Iraq and establish a permanent peace there. By its actions, South Korea demonstrates its firm commitment to a rapid reconstruction of Iraq and to establishing stability as soon as possible.

Mr. Speaker, South Korean troops have been stationed in Iraq since they were first dispatched in August 2004. Named the Zaytun Division, derived from the Arabic term for ''olive'' and symbolizing peace, the unit has been actively involved in rehabilitating civilian infrastructure facilities for local residents and the Kurdistan Regional Government (KRG).

The South Korean National Assembly announced that there will be a gradual reduction of the Zaytun troops by one-third to 2,300 over the course of the coming year. It will be a phased reduction in close consultation with the U.S. and dependent on the Iraqi police force's readiness and the situation on the ground. It is important to note, however, that while there will be a gradual reduction in presence, the role of Zaytun will be enhanced.

In fact, the South Korean troops will soon provide security service for the Irbil Regional Office of the U.N. Assistance Mission for Iraq (UNAMI), protecting UNAMI's middle ring and its convoys. Additionally, the USAID office will now be stationed within the Zaytun compound and protected by South Korean forces.

Mr. Speaker, I am afraid that our South Korean friends have not been thanked loudly or frequently enough for this contribution to the stabilization of Iraqi society. It is a genuine shame that the news media in the U.S. missed this significant story, which was widely reported in the Korean press.

On January 18, 2006, a letter from Secretary of State Condoleezza Rice was delivered to the commander of South Korean forces in Irbil, a city in northern Iraq, expressing our country's appreciation for their peacekeeping efforts. The letter said, in part, ''The humanitarian and reconstruction activities your troops have undertaken have made lasting and substantive contributions to the quality of life for the people of Irbil.''

For these reasons, Mr. Speaker, I wish to express my personal appreciation to the government and people of South Korea for their lasting contribution to the coalition forces in Iraq and for their commitment to playing an important and responsible role in the international community. As a staunch ally of the United States with a mutually comprehensive alliance partnership that has spanned over fifty years and four major conflicts since the end of World War II, South Korea deserves our recognition and expression of support.

COMMEMORATING MESA VERDE'S CENTENNIAL ANNIVERSARY

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SALAZAR. Mr. Speaker, this weekend, I will join the people of Colorado at Mesa Verde National Park to celebrate its 100th anniversary.

On June 29, 1906, Congress designated Mesa Verde as a national park unique for its archaeological treasures, spectacular views, and abundant wildlife. Located at the intersection of four states, Mesa Verde is a tremendous resource to the entire nation and a jewel in my congressional district.

Every year, 450,000 people travel to Southwest Colorado to visit the park. For those who have hiked the trails carved out by the Anasazi Indians, they know that Mesa Verde is truly a special place and one of the finest National Parks in our country. As the first cultural and historic national park in the history of the world, Mesa Verde helped spur Congress to preserve other important historical and archaeological sites.

I am proud to represent Mesa Verde National Park—Colorado's first national park—and its surrounding communities in Montezuma County here in Congress.

HONORING THE FOUR CHAPLAINS WHO SERVED ON THE U.S.S. ''DORCHESTER''

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. EMANUEL. Mr. Speaker, I rise to pay tribute to the memory of the four chaplains who gave their lives in service of our nation while serving on the U.S.S. *Dorchester* during the Second World War. The *Dorchester*, known as the 'Grey Ghost' by U-boat crews, carried nearly 1 million U.S. troops to Europe during her tenure, which came to a tragic end 63 years ago today.

At 12:55 a.m. February 3, 1943, a German U-boat launched a torpedo that struck the *Dorchester*, killing many of the 902 aboard instantly, injuring hundreds of others, and creating chaos as the ship took on water.

Captain Hans J. Danielsen gave the order to abandon ship. As men struggled amid the turmoil to board life boats, the ship's four chaplains, Lt. George L. Fox, Methodist; Lt. Alexander D. Goode, Jewish; Lt. John P. Washington, Roman Catholic; and Lt. Clark V. Poling, Dutch Reformed, offered solace and counseled courage.

As the supply of life vests dwindled, each chaplain removed his own life vest and handed it to a soldier. ''It was the finest thing I have seen or hope to see this side of heaven,'' said John Ladd, one of the 230 survivors.

Survivors recount their last glimpse of the U.S.S. *Dorchester* in the icy waters off the Newfoundland coast: The four chaplains linked arms in prayer and went down with the ship. We mark their heroism today, February 3, as ''Four Chaplains Day.''

I want to thank Commander of the Combined Veterans Association of Illinois Victor Cibelli and event chairman John Bigwood for arranging a tribute to the four chaplains at the Northwest Suburban Jewish Congregation in Morton Grove, Illinois.

Mr. Speaker, this tribute provides us with an opportunity to reflect on the spiritual strength, patriotism, and dedication to their fellow sailors exhibited by these four chaplains as they made ultimate sacrifice. I ask my colleagues to join me today in honoring the memory of the four chaplains of the U.S.S. *Dorchester*.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MRS. CORETTA SCOTT KING

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2006

Mr. KENNEDY of Rhode Island. Mr. Speaker, Coretta Scott King's passing is a tremendous loss for our country and for all who have worked to uphold America's promise of equal justice under the law. She led with great passion, integrity and with a spirit that should be a guiding light for all of us.

When Americans visit our Nation's Capital, they are overwhelmed with beautiful monuments honoring the great leaders of our country. From the Jefferson Memorial to the Washington Monument to the U.S. Capitol, every building and statue is in place to remind Americans of the legacy left by these leaders and their contributions to the framework of our Nation. There is no monument or building dedicated to the heroic actions that mark Mrs. King's life in the Nation's Capital, but I believe her legacy lives on in ways that cannot be adequately honored with a statue. Mrs. King's legacy is honored when African-American women join their neighbors at the local poll to vote on Election Day. And she is honored when children read for the first time a sign that says ''Whites Only,'' not in their community, but in a museum.

Mrs. King, who was faced with the tragic and early loss of her life partner, The Reverend Dr. Martin Luther King Jr., did not act bitterly towards the violence that interrupted her life, but continued to spread the message of peace and equality to all corners of the world. As founding President, Chair, and Chief Executive Officer of the Martin Luther King Jr. Center for Nonviolent Social Change, Mrs. King spent her life furthering the Civil Rights Movement, and later, creating the largest archive of documents from this era. With this collection in place, future generations will have the ability to educate themselves beyond what is read in textbooks, and will have the opportunity to experience firsthand the sacrifices that were made to build the world we live in today.

Like all who have sacrificed for the most fundamental American value—that equality and justice are the birthright of everyone in our society—Mrs. King has left us a country that is better today than when she arrived. However, there is still much work that remains to ensure that every American has the opportunity to fulfill their potential and we must uphold her legacy by continuing her work.

I hope that all Americans will pause to remember the values for which she stood and to

consider how we can work together to make sure the promise of America is enjoyed equally by all.

TRIBUTE TO COMMANDER STEVEN STEVENSON

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SALAZAR. Mr. Speaker, I rise today in appreciation of Commander Steven Stevenson's 21 year of service with the Civil Engineer Corps of the United States Navy. I also wish to congratulate Commander Stevenson on his upcoming retirement.

Commander Stevenson was raised in Western Colorado and graduated from Olathe High School in 1981.

Beginning in his youth, Commander Stevenson chose to put family and country before self, attending the Naval Academy at Annapolis. Upon his graduation in 1985, Commander Stevenson was assigned to Amphibious Construction Battalion One, where he served with distinction as Assistant Bravo Company Commander and Assistant Operations Officer.

From 1987 to 1990, Stevenson served as the commander of the Construction Battalion Unit 418 and was selected for the highly competitive US Navy Ocean Facilities Program. Stevenson, displaying his characteristic level of determination and intellect, succeeded in earning a Masters of Science in Ocean Engineering.

When the Navy needed a capable leader to establish a new Construction Battalion Unit during the 1990's, it turned to Commander Stevenson. And when the Navy needed a well educated officer to bring the Seabees into the information age, once again it turned to Commander Stevenson, who went on to modernize everything from Seabee equipment to training.

Commander Stevenson's scholarly and engineering excellence is only exceeded by his devotion to his country. Stevenson represents the very definition of the famous Seabee valor having earned two Meritorious Service Medals, three Navy Commendation Medals, a Navy Achievement Medal, and the Meritorious Unit Commendation over the course of his career.

Commander Stevenson's life of service exemplifies the Seabee motto "Constrimus, Batuimus"—"We build, We Fight". He spent his career building a better and safer future for our country, all the time ready to put his life on the line for that brighter tomorrow and the ideals he has held dear.

And so today I would like to both congratulate Commander Stevenson on his retirement, and personally thank him for his 21 years of devoted service to his country.

IN LASTING MEMORY OF DR. CARL EDWARD HYMAN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the legacy of Dr. Carl Edward Hyman. Born on June 29, 1924 in Pine Bluff, Arkansas, Dr. Hyman passed away on December 31, 2005 and I would like to recognize his life and achievements.

After graduating from Merrill High School in Pine Bluff, Dr. Hyman then attended Frisk University and Meharry Medical College in Tennessee. He then became a resident in Obstetrics and Gynecology at Hubbard Hospital in Nashville and completed post graduate studies at Harvard University in Cambridge, Massachusetts. In 1959, Dr. Hyman was appointed Chief Resident of Provident Hospital in Chicago.

For almost half a century, Dr. Hyman was in a private Obstetrician/Gynecology practice in Pine Bluff, where he became the first residency trained African-American specialist in the State of Arkansas. Over the course of his lifetime, Dr. Hyman earned a reputation as a generous and selfless community leader in Jefferson County. Among numerous accomplishments, he was a Fellow of the American College of Obstetrics and Gynecology, the first African-American to serve on the Pine Bluff Civil Service Commission, a lifetime member of NAACP and Alpha Phi Alpha fraternity, and a member of the Trustee Ministry at Kings Highway Missionary Baptist Church. Perhaps most notably, Dr. Hyman was appointed by Governor Bill Clinton to become the first African-American appointee to the Alcoholic Beverage Control Board, a board which he served for 28 years.

Dr. Hyman led an exemplary life both professionally and in unwavering service to his community and his state. While Dr. Hyman may no longer be with us, his spirit and legacy will live on forever in the lives he touched. My deepest sympathies and heartfelt condolences go out to his wife, Dr. Edith Hyman; his son, Dr. Carl Alta Hyman; and his extended family of brothers, sisters, nephews and grandchildren.

PATIENTS BEFORE PROFITS ACT OF 2006

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. DINGELL. Mr. Speaker, today I am introducing legislation—the Patients Before Profits Act of 2006—that will right some of the many wrongs in the budget reconciliation bill passed by Congress last week and signed by the President today. This legislation, which is also being introduced today in the Senate by Senator CLINTON, will realign our priorities to protect the healthcare coverage of working families rather than the profiteering of HMOs and private insurance companies.

The Patients Before Profits Act eliminates Government overpayments to Medicare HMOs through removal of a "slush fund" provision and ensuring these HMOs are only paid what is appropriate for the consumers they serve. This bill would then use these savings to restore protections against excessive out-of-pocket costs for necessary medical visits, prescription drugs, and emergency room care. It will also restore the benefit protections that provide medically necessary treatments under Medicaid and ensure families have adequate benefit coverage, not bare-bone packages.

The Patients Before Profits Act is needed because of the recently passed so-called Deficit Reduction Act, which the Republicans designed and the President is signing into law today. In the dark of the night, the Republicans removed provisions that transferred $32 billion in taxpayer overpayments to Medicare HMOs and insurance plans.

The Senate bill had cut $36 billion in overpayments to the HMOs in Medicare. That included $26 billion in savings by more accurately calculating their payments. But the negotiators rewrote the provision to save just $4 billion, providing a $22 billion windfall to the HMOs. The Senate bill also eliminated a $10 billion slush fund designed to entice HMOs to participate in the prescription drug program. The Republican conferees dropped this provision, providing another $10 billion gift to the HMOs for a total of $32 billion.

This bill takes back the money given to Republican-favored companies and restores to our most vulnerable citizens the needed healthcare that was cut. According to the nonpartisan Congressional Budget Office, of the $28 billion in savings from Medicaid over 10 years, about 75 percent of that amount is due to provisions that reduce the number of people who can afford to participate. It will increase the number of uninsured and under-insured by raising the copayments that people will have to pay to see their doctors, increasing premiums, cutting medically necessary treatments, and tightening access to long-term care.

By 2015, 4.5 million children will be affected by higher cost-sharing charges for healthcare services such as doctor visits. A total of 13 million people will face higher charges to access their healthcare services. Twenty million people will face higher charges to obtain needed prescription drugs. One-third of those individuals affected by the drug cost-sharing (6.6 million) will be children and half (10 million) will have incomes below the Federal poverty level (monthly incomes of less than $1,380 for a family of three). All this because of a Republican unwillingness to take back overpayments to HMOs.

Congressional Budget Office analysis also concludes that the Republican legislation assumes that the number of uninsured will increase. Twenty percent of the savings from new premium charges under this law will derive from families who are no longer able to maintain their Medicaid coverage due to increased costs. Sixty percent of those who will lose coverage due to new premium charges will be children. Again, all of this because of a Republican unwillingness to take back overpayments to HMOs.

The Patients Before Profits Act of 2006 is a good start to right some of the wrongs that the Republican-led Congress and the President have inflicted on working families, individuals with disabilities, the elderly, pregnant women, and children. I urge my colleagues to join me in this fight.

A TRIBUTE TO DAVID LAWRENCE

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Mr. David Lawrence of

CHADBOURN, NORTH CAROLINA, FOR HIS OUTSTANDING CONTRIBUTION AND YEARS OF SERVICE AS A TOWN COUNCILMAN AND MAYOR PRO TEMPORE. DAVID PASSED AWAY ON JANUARY 24, 2006, AFTER A LONG BATTLE WITH PROSTATE CANCER. DAVID'S TREMENDOUS LEADERSHIP, DEDICATION, AND ALTRUISM AS AN ELECTED OFFICIAL AND MEMBER OF THE CHADBOURN COMMUNITY WILL LIVE ON IN THE HEARTS AND MINDS OF GENERATIONS TO COME.

Born in Chadbourn, David entered first grade the year that the landmark case Brown v. Board of Education was decided. David went on to graduate from West Columbus High School in 1966. During high school, David enjoyed playing in the band and singing in the choir, but he was most well-known for being a star athlete of the basketball team. In fact, David was the first African-American to play in the N.C. East-West All-Star basketball game. Well-known coach Cotton Fitzsimmons recognized David's ability and spirit and recruited him to play basketball at the college level. David went on to become a freshman starter on the Moberly Junior College National Championship Team and was named the best defensive player on the 1970 Kansas State University Big 8 Championship team.

David showed his talent and perseverance off the court as well. He received his undergraduate and Master's degrees from Kansas State University. Later, David earned a second Master's degree from North Carolina Central University in educational leadership. In 1973, David became an officer in the U.S. Army Reserve and served in that capacity for 16 years. David was elected to the Town Council in 1995, and he was elected Mayor Pro Tempore just in the last year.

David utilized the skills he learned playing basketball and the knowledge he learned in school to become a very influential educational and sports leader in Southeastern North Carolina. David truly made a difference in the lives of his students. For 16 years, David worked as an educational administrator for Columbus County schools. His most recent position was as an Assistant Principal at Williams Township School. From 1970–1988, David coached basketball at Kansas State University, Jacksonville University, Pensacola Junior College, Tate High School, and Durham High School. In 1988, David's Durham High School team was the PAC6 Tournament Champs, and he was named the Durham City County Prep Coach of the Year.

Legendary UCLA Basketball Coach John Wooden once said, "Sports do not build character. They reveal it." This statement could not be more true in the case of David Lawrence. The manner in which David played basketball as a youth and coached basketball as an adult not only revealed his leadership, but also more importantly, his unselfish commitment to others and causes greater than himself.

Mr. Speaker, dedicated service to others combined with dynamic leadership has been the embodiment of David's life. May we all use his wisdom, selflessness, and integrity as a beacon of direction and a source of true enlightenment for many years to come. Indeed, may God bless to all of our memories the honored life and legacy of David Lawrence.

THE TAX CODE TERMINATION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the "Tax Code Termination Act".

This bi-partisan legislation, which I introduced with my colleague COLLIN PETERSON of Minnesota, will accomplish two goals. It will abolish the Internal Revenue Code by December 31, 2009, and call on Congress to approve a new Federal tax system by July of the same year.

The fact is our current tax system has spiraled out of control. Today's tax code is unfair, discourages against savings and investment, and is impossibly complex.

A few years ago, Money magazine asked 50 professional tax preparers to file a return for a fictional family. No one came up with the same tax total, nor did any of the preparers calculate what Money magazine thought was the correct Federal income tax. The results varied by thousands of dollars. At a time when Americans devote a total of 7 billion hours each year to comply with the tax code, we need tax simplification.

Whichever simple tax system is adopted, the key ingredients should be: a low rate for all Americans; tax relief for working people; protection of the rights of taxpayers and reduction in tax collection abuses; promotion of savings and investment; and encouragement of economic growth and job creation. Taxes may be unavoidable but they don't have to be unfair and overcomplicated.

While many questions remain about the best way to reform our tax system, I am certain that if Congress is forced to address the issue we can create a tax code that is simpler, fairer, and better for our economy than the one we are forced to comply with today. The problem is Congress won't act on such a contentious issue unless it is forced to do so. The Tax Code Termination Act will force Congress to finally debate and address fundamental tax reform.

Just like other programs that require reauthorization, the tax code must be reviewed to examine whether it is fulfilling its intended purpose and then Congress must make what changes are necessary.

There is a widespread consensus that the current system is broken, and keeping it is not in America's best interest. I urge each of my colleagues to support this important legislation.

CELEBRATING THE LIFE OF DR. LAWRENCE W. SCOTT

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Ms. WATSON. Mr. Speaker, I rise today to memorialize the life of a distinguished American, Dr. Lawrence "Bill" W. Scott, who passed away on December 20, 2005.

Throughout his illustrious life, Dr. Scott could claim many "firsts." In 1944, he was the first black student body president of Foshay Middle School. In 1947, he graduated with honors from Polytechnic High School, where he participated in track and field and also served as the first black student body president. In 1948, he attended the University of California at Berkeley and later became the student body "representative at large." After receiving his degree from Berkeley, in 1951, Dr. Scott was drafted into the U.S. Army and stationed at Fort Lewis, Washington, where he served for two years during the Korean War. He eventually attained the rank of Captain.

After his discharge from the Army, Dr. Scott enrolled in the pre-med program at the University of California at Los Angeles. In 1957, the then new UCLA School of Medicine accepted Dr. Scott as its first African American medical student. Upon graduation, Dr. Scott interned at Harbor General Hospital, ultimately specializing in obstetrics and gynecology. He subsequently opened two women's clinics in Los Angeles.

At the age of 52 and after 14 years of medical practice, Dr. Scott returned to law school and received his J.D. from Southwestern University School of Law in 1980. After passing the bar, he initially thought he would pursue missionary work; however, he worked as a forensic attorney and represented victims in malpractice suits.

Dr. Scott's achievements, honors, and awards are numerous. He was the first African American resident at Queen of Angeles Hospital in Los Angeles. At one time, he held the record for the most infants delivered at Cedars-Sinai Medical center. He also served on the Board of Governors of the UCLA Foundation in the mid-1980s.

His interest in people and his special affection for children was evident. He enjoyed sports and was an avid tennis player. He also loved music, from jazz to the classics. He will be remembered by many for his wonderful humor and his black book of jokes.

Dr. Scott is survived by his devoted wife of 8 years, Maria; his three children, Rebecca, Brian, and Onjale Scott; his sister, Darling Scott Herod; his brother, Paul Richard Scott; mother-in-law, Loretta Domer-Wilson; and other beloved family and friends.

Dr. Scott truly enjoyed this journey called life and lived it to its fullest.

IN CELEBRATION OF VIRGINIA DENTAL ASSOCIATION'S MISSION OF MERCY TO NEW ORLEANS

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SCOTT of Virginia. Mr. Speaker, the wealth and generosity of the American people is possibly the greatest story to come from the aftermath of Hurricane Katrina. Upon seeing their fellow citizens in need, Americans pledged millions of dollars to the Red Cross and other charitable organizations. Families hosted displaced evacuees, while others welcomed strangers into their homes, schools, and houses of worship. I would like to commend one group of volunteers who have put their specialized skills to use in bringing critical services back to New Orleans.

This past Sunday, forty dentists and forty support volunteers from the Commonwealth of Virginia, in conjunction with the Virginia Dental

Association, left Virginia on a Mission of Mercy. They joined with 400 medical professionals and 150 support volunteers from thirty-eight different states and transformed the New Orleans Zoo into one large health care clinic. They will spend this week staffing this clinic, providing health care free of charge to anyone who needs it. The dentists from Virginia are not just providing checkups, but are performing extractions, fillings, partial realignments, and all other procedures that one would normally receive in a dentist's office. The 500 dental patients that will be treated daily are just a portion of the 1600 patients that will be triaged through the clinic coordinated by Remote Area Medical of Knoxville, Tennessee.

The doctors and support volunteers participating in the Mission of Mercy are paying for their own transportation and lodging. On top of those costs, many of them are forced to close their own practices in their home states in order to participate in the mission.

This simple gift to the people of New Orleans is a much needed one. The image of homes flooded by Katrina's waters is prevalent in our minds. It is easy to forget that businesses, such as doctor's offices, were also destroyed. For the parts of New Orleans that weren't flooded, many still lack power and potable water. For many of the brave citizens and aid workers that still inhabit the city, health care is a creature comfort that is either unavailable or too expensive. It is a necessity that sadly takes a backseat to more immediate concerns.

The federal government has yet to fully live up to its responsibility to the citizens whose lives were ravaged by Hurricane Katrina, and until the federal government fulfills this responsibility, the job is left to private citizens to put a great city back together again. I salute the medical professionals and volunteers from around the country and especially those from the Virginia Dental Association who are giving of their time, money, and expertise to help bring normalcy back to the lives of their fellow citizens. The entire Virginia Congressional delegation salutes the Virginia Dental Association as ambassadors of goodwill and Virginia values.

DISABLED VETERANS TAX FAIRNESS ACT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. FARR. Mr. Speaker, today Representative BILIRAKIS and I are introducing the Disabled Veterans Tax Fairness Act. This bipartisan bill serves disabled veterans who have been caught in the cross hairs of the bureaucracy at the Department of Veterans Affairs and an Internal Revenue Service statute of limitations. The Disabled Veterans Tax Fairness Act would add an exception to the IRS statute of limitations that would allow disabled military retirees whose disability claims have been pending for more than 3 years to receive back taxes for all the years that their claim was pending.

This issue was brought to my attention by a constituent who had a disability claim pending at the VA for 8 years. After he finally won his disability claim and was awarded retroactive disability compensation, he was denied 5 years of back taxes due to the IRS 3-year statute of limitations. This veteran and perhaps thousands of others are being penalized through no fault of their own.

To determine the scope of the problem, I requested a report in the FY06 TT/HUD appropriations bill directing the IRS to tell the committee how many disabled military retirees have been and will be penalized by this IRS statute of limitations. I look forward to the results in mid-March.

Those who have dedicated their lives to the security of this country should not be penalized by the IRS for bureaucratic inefficiency by the VA disability claims process. This bill is supported by the Military Officers Association of America and The Military Coalition. Please join Representative BILIRAKIS and me as a cosponsor of H.R. 4727.

PLANNED PARENTHOOD: TIME TO TAKE A SECOND LOOK AT CHILD ABUSE INC.

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. SMITH of New Jersey. Mr. Speaker, I rise tonight to set the record straight about significant misinformation that continues to be disseminated concerning an amendment I offered last summer. Planned Parenthood has refused to admit the truth about the true genesis of this amendment. Because Planned Parenthood boasts that "trust is the cornerstone of why people choose [them]," I cannot allow its lies to continue unanswered. And I believe it's time Americans take a look at Planned Parenthood on other issues as well, including abortion.

Several years ago I became aware of a devastating condition called fistula. Fistula is a terribly painful disorder that marginalizes women in many parts of the developing world, yet is relatively inexpensive to treat. I authored legislation to authorize USAID to provide much-needed assistance to women desperate for treatment. Unfortunately, with the help of organizations like Planned Parenthood, some of my colleagues tried to weaken the authorization by adding language that would have prevented crucial faith-based health care providers from helping women through this program.

Women suffering with fistula need treatment, and provisions mandating contraceptives would have prevented some health care providers most suited to provide treatment from doing so. These women need speedy treatment, not politicized language.

As the prime author of H.R. 2601—The Foreign Assistance Authorization Act of FY 06 and 07—I personally wrote the section in the bill, (Sec. 1001) that authorizes the President to establish at least 12 treatment centers to provide surgery and healing therapies for women suffering from a devastating condition known as obstetric fistula. The bill also provides for the dissemination of educational information so that women will know where to go for affordable treatment and how to protect against the occurrence of this preventable, curable condition.

Obstetric fistula is an excruciatingly painful hole or rupture in tissues surrounding a woman's birth canal, bladder, or rectum that is caused by rape, physical abuse or untreated, obstructed labor. Tragically, the constant leaking of urine and feces leads to sickness, desertion by husbands and family, extreme social isolation, and poverty.

Amazingly, for $150—$300, a woman victimized by fistula can obtain a surgical repair which gives her back her life. No woman should be denied this minimal, life-saving surgical repair. For several years now, I have asked USAID and the Congress to establish a program to assist women who suffer from obstetric fistula. According to USAID, an estimated 2 million women suffer needlessly from fistula, with 50–100 thousand new cases added every year, mostly in Africa.

USAID has begun to provide support for fistula centers, and that's great. They hoped to put $3 million into the program by the end of 2005 and they have already identified a dozen medical facilities ready to participate and help these women. My bill, which originally authorized $5 million for 2006 and $5 million in 2007, ensures that the program is properly implemented and able to aid as many women, and young girls, as possible.

During committee mark-up on H.R. 2601, Rep. JOE CROWLEY (D–NY) amended my language in H.R. 2601, to mandate that the new centers "expand access to contraception." At first blush, the language looked OK, but it became very clear that it would have had the dire consequence of excluding certain faith-based health providers who, while deeply committed to mitigating the pain of fistula, would be barred from receiving funds. For example, the Crowley language would have excluded NGOs and church-based organizations opposed to chemicals that act as abortifacients—those that prevent implantation of a newly created human life—from getting any U.S. funds. Had my amendment not succeeded, several hospitals selected by USAID as "fistula centers" would have lost funding.

The amendment I offered that passed on the floor in July corrected this problem so that the faith-based sites including those already identified for the program by USAID—and perhaps others in future—could participate and provide assistance to women in need. My amendment to my own bill also increased the funding in 2007 to $7.5 million, since it is obvious that once the centers are up and running the demand for the cure will be even greater. To participate in the program, providers must offer critical treatment care—including increased access to skilled birth attendants—and may offer information about a number of preventative practices such as abstinence education, encouraging postponement of marriage and childbearing until after teenage years, and family planning services for women whose age or health status place them at high risk of prolonged or obstructed childbirth.

Nothing in my original fistula language or my amendment adopted on the floor restricts access to family planning services. Rather, my amendment made a variety of preventative practices optional and as such is sensitive to and consistent with the values of the people—and the hospitals that serve them—in developing countries.

Despite all this, Planned Parenthood still insists on praising the people who would have killed the amendment and attacking me. The

headline on its website reads: ''Rep. CHRIS SMITH's Latest Political Attack on Women.'' The closing line of its story says, ''The gentleman from New Jersey would do well—just once—to try and feel the pain of others.''

I have authored numerous laws—that is to say, I am the prime sponsor of laws—that directly benefit women, including the Victims of Trafficking and Violence Prevention Act of 2000 (P.L. 106–386), the Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108–193), the Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109–164), the Results and Accountability in Microenterprise (P.L. 108–484), and the Microenterprise Enhancement Act of 2003 (P.L. 108–31),just to name a few. I helped secure the passage of the Violence Against Women Act Reauthorization in 2000 by incorporating its major provisions into my law, the Victims of Trafficking and Violence Prevention Act of 2000. I have fought for human rights and health care my entire career.

I am currently the chairman of the Subcommittee on Africa, Global Human Rights, and International Operations and the Co-Chairman of the Commission on Security and Cooperation in Europe (also known as the United States Helsinki Commission), which works to promote and foster democracy, human rights, and stability in Eastern and Central Europe. I served as the Chairman of the Veterans Affairs Committee until 2005, where I authored laws that are helping veterans to this day and will for as far as the eye can see in the areas of health care, college education, widows' benefits, and the creation of a new comprehensive program to help homeless veterans. I also presently serve as the co-chair and co-founder of the Congressional Task Force on Alzheimer's Disease, the founding co-chair of the Congressional Spina Bifida Caucus, the co-founder of the Coalition for Autism Research and Education, the co-chair and co-founder of the Congressional Refugee Caucus, and the co-chair of the Congressional Pro-Life Caucus. Having served 26 years in Congress, I could continue this list, Mr. Speaker. I set forth my dedication to these causes here not to promote myself, but to show Planned Parenthood's deceptions. Planned Parenthood's vicious attacks on me are, at best, misinformed; at worst, libel.

Sadly, this is a pattern of conduct with Planned Parenthood, seeking to discredit anyone who includes the protection of the unborn along with fundamental human rights. When one stops to consider the big business that is abortion, it is no wonder.

ABORTION AS A BUSINESS

Planned Parenthood makes millions of dollars plying its lethal trade at nearly 850 clinics in the U.S. alone. Judith Fetrow, a former Planned Parenthood worker, verifies this fact: ''It is extremely difficult to watch doctors lie, clinic workers cover up, and hear terrifying stories of women dragged out of clinics to die in cars on the way to the hospital without beginning to question the party line. I began to wonder if we were really caring for these women, or if we were just working for another corporation whose only interest was the bottom line.''

Tragically, the seemingly benign Planned Parenthood is in the grisly business of dismembering the fragile bodies of unborn children with sharp knives and hideous suction machines that are 25 to 30 times more powerful than a vacuum cleaner used at home. Planned Parenthood ought to be known as ''Child Abuse, Incorporated,'' for the large number of children that it has killed and continues to kill, all the while being subsidized by American taxpayers. This is not a business of healing, nurturing, or caring—this is a business of killing.

For Planned Parenthood, business is good. Violence against children pays handsomely. In 2004, it increased the number of abortions it performed by 10,000—while abortions nationwide have declined—for a total of 255,015, a new pathetic record of kids killed even for Planned Parenthood. For ''medical abortions,'' Planned Parenthood quotes prices from $350 to $650. For first-trimester vacuum and D&E abortions, the only type of surgical abortions for which they provide a price range, Planned Parenthood earns $350 to $700 apiece.

To put the number of child deaths in perspective, picture this: 67,500 fans filled Ford Field to watch the Super Bowl last Sunday night. Planned Parenthood performed 255,015 abortions in 2004. The number of unborn babies whose lives were taken from them before they could take their first breath by this one corporation in one year could have filled that stadium nearly four times over. Planned Parenthood is now responsible for committing nearly one out of every five abortions performed in the United States, with its numbers steadily rising while the overall totals in the U.S. have been declining. Over the course of time, Planned Parenthood's tally in the taking of innocent children's lives has exceeded the three million mark.

If the number of abortions performed alone doesn't convince you of Planned Parenthood's agenda, Mr. Speaker, just compare it with the other services it provided in the name of ''family planning.'' Planned Parenthood—parenthood, Mr. Speaker—provided a mere 17,610 clients with prenatal care. That's a ratio of one parent to every 14 women who lost their children to abortion. Planned Parenthood referred a meager 1,414 clients to adoption services. That means it killed 180 babies for everyone it referred to be placed with a couple desperately seeking a child. To me, Mr. Speaker, this record doesn't seem to be that of an organization dedicated to preserving women's ''choices.''

And if that is not enough, this so-called ''pro-choice'' organization does everything within its power and massive budget to prevent women from knowing all their options and being certain that their choices are truly informed. Planned Parenthood both lobbies and litigates against virtually every child protection initiative at both the state and federal level, including parental and spousal notification, women's right to know laws, waiting periods, partial-birth abortion bans, unborn victims of violence laws, statutory rape reporting laws, and abortion funding bans. It inflates statistics to promote its own agenda.

One of the abortion community's own exposed them, though, when Ron Fitzsimmons, the director of the National Coalition of Abortion Providers publicly admitted that he ''lied through (his) teeth'' when he told a TV interviewer that partial-birth abortion was ''used rarely and only on women whose lives were in danger or whose fetuses were damaged.'' Fitzsimmons confessed that the myth about this horrific abortion procedure was deliberately propagated by the abortion lobby—including Planned Parenthood and its research arm, the Alan Guttmacher Institute (AGI). In a 1995 letter to Members of Congress, Planned Parenthood, AGI, and other groups stated, ''This surgical procedure is used only in rare cases, fewer than 500 per year. It is most often performed in the cases of wanted pregnancies gone tragically wrong, when a family learns late in pregnancy of severe fetal anomalies or a medical condition that threatens the pregnant woman's life or health.'' In truth, Fitzsimmons explained, the vast majority of partial-birth abortions are performed on healthy fetuses, 20 weeks or more along, with healthy mothers. The number of 500 partial-birth abortions a year that Planned Parenthood cited in its letter was also a complete falsehood. Fitzsimmons estimated that the method was used 3,000–5,000 times annually. I would argue that even this number is low—in just one New Jersey abortion mill, the Bergen Record newspaper reported that 1,500 children were killed by partial birth abortion in one year.

When Planned Parenthood can't accomplish its deadly goals through the democratic process, it turns to the courts. It files approximately 50 lawsuits a year to protect its business interests in abortion. Then, Planned Parenthood fights tooth and nail to prevent judges who recognize the inherent value of human life at every stage, as well as the constitutional protections of that life, from getting on the bench. Luckily for us, the American people and our President and Senate have seen through that propaganda blitz.

INTERNATIONAL EFFORTS

Sadly, it does exactly the same thing overseas, and many foreign governments are eventually deceived by its arguments. The Planned Parenthood Federation of America-International is leaving no stone unturned in its misguided, obsessive campaign to legalize abortion on demand. If it succeeds, millions of babies will die from the violence of abortion. We cannot add to the body count.

In Planned Parenthood's 2003–2004 annual report, the organization clearly admits its goal. It states that programs supported by Planned Parenthood Federation of America-International ''guarantee the sexual and reproductive health and rights of individuals by providing. .. safe abortion and post-abortion care services. . .''

The use of family planning to cloak its real agenda—the use of family planning as a cover for permissive abortion laws—is now commonplace, and must be stopped. In over 100 countries around the world, the lives of unborn children are still protected by law. But in country after country, we find Planned Parenthood zealots partnering with well-financed NGOs from Europe to promote violence against unborn babies.

And as Planned Parenthood—the most prominent advocate, sometimes the only advocate—of legalizing abortion on demand—has said, ''When abortion laws are liberalized, the number of abortions skyrocket.'' That is Planned Parenthood's word, skyrocket. So if we want more abortions—more dead babies and more wounded women—liberalize the laws.

TAXPAYER SUBSIDY

Over a third of Planned Parenthood's income comes from the pockets of tax-paying Americans, through local, state, and federal governments. Sure, we have the Hyde Amendment in place, thankfully, which prevents taxpayer dollars from directly funding

abortions, but money is fungible. The millions of dollars we give to Planned Parenthood to provide so-called ''family planning'' services immediately frees up millions more to be used for the performance and promotion of abortion. Americans' hard-earned money goes to keep the lights on and pay the heat bill for this industry that is literally making a killing taking the lives of the children they'll never get the chance to meet. People who see that abortion is murder are still forced to subsidize the lawsuits and lobbying that keeps abortion legal.

Planned Parenthood's 2003–04 annual report brags about how it helped increase Title X funding, for a total of $273 million in taxpayer dollars. It also discloses that it received $265.2 million in government grants and contracts from Title X and other sources during that period.

The abortion promoters never tire of reminding us that they promote abortion with what they call ''their own money,'' but this argument deliberately misses the point.

First, it ignores the fact that all money is fungible. When we pay an organization like Planned Parenthood millions of dollars, we cannot help but enrich and empower all of that organization's activities, all that it does, even if the organization keeps a set of books that says it uses its money for one thing and our money for something else.

We must begin to stand with the victims, both mother and child, and against the victimizers. When we subsidize and lavish Federal funds on abortion organizations, we empower the child abusers; and Planned Parenthood, make no mistake about it, both here and overseas, is ''Child Abuse, Incorporated.''

ABORTION CLINICS = TORTURE MILLS

Abortion mills do not nurture, they do not heal, they do not cure disease.

Abortion is violence against children. Some abortion methods dismember and rip apart the fragile bodies of children. Other methods chemically poison children. Abortionists turn children's bodies into burned corpses, a direct result of the caustic effect of poisoning and other methods of chemical abortions.

I would say to my colleagues, there is absolutely nothing benign or curing or nurturing about abortion. It is violence. It is gruesome. And yet the apologists sanitize the awful deed with soothing, misleading rhetoric. Abortion methods are particularly ugly because, under the guise of choice, they turn baby girls and baby boys into dead baby girls and dead baby boys.

I have drafted a bill that would inform women about the pain their unborn babies experience during abortions, the Unborn Child Pain Awareness Act, H.R. 356. This bipartisan bill requires that those performing abortions at or beyond the 20–week point provide the mother with certain information regarding the capacity of her unborn child to experience pain during the abortion, and offer the mother the option of having pain-reducing drugs administered directly to the unborn child to reduce his or her pain. Not surprisingly, the abortion lobby—including Planned Parenthood—has opposed informing women of this truth, though they do not deny that unborn children may feel pain after 20 weeks gestation.

CONSCIENCE

Forty-five States and the Federal Government protect the right of health care providers to decline involvement in abortion. Planned Parenthood has launched an active campaign to abolish these legal protections, arguing on its website:

''While everyone has the right to their [sic] opinions about reproductive health care, including . . . abortion . . . Health care providers who object to providing certain services still have an obligation to respect the rights of their patients and to enable them to access the health care they need.''

Planned Parenthood wants to compel hospitals and health care providers of conscience to do abortions—it's that simple. Not all of the hospitals and health care providers who oppose this plan are religious. There are people who are not religious who have deep, moral convictions, and they believe that abortion takes the life of a baby. We ought to be nurturing. We should not compel our places of healing to become killing fields.

PRO-CHOICE??

Planned Parenthood reasons that every child should be a wanted child. While the implication of this goal is valiant and an ideal I share, how we go about achieving it is much, much different. I agree, every child deserves to be loved with every ounce of her parents' being—Planned Parenthood, however, would rather kill her than allow her to be born into a home that might not have planned for her or allow another loving family to adopt her. This philosophy turns children into a commodity that is owned—and if they aren't wanted, they are expendable.

Planned Parenthood also claims to promote informed choice for women, but the reality of its words and actions belies this assertion. When describing abortion procedures on its website, it consistently talks about the emptying of the uterus, and the elimination of the ''products of conception.'' Even its clinic layouts aim to avoid the acknowledgement of the life of the unborn. One of their employees explained that ''Planned Parenthood is set up so clinic workers never have to see the babies. It's set up that way because having to look at the babies bothers the workers.'' Although Margaret Sanger, Planned Parenthood's founder, supported abortion, she did recognize that it was murder, admitting, ''Abortion was the wrong way—no matter how early it was performed it was taking a life.'' It is incredibly sad that the Planned Parenthood of today has entirely dismissed the humanity of the unborn, and works to delude women into doing the same.

Planned Parenthood's website states that it believes: ''Information about becoming pregnant and about postponing, preventing, continuing, or terminating pregnancy should be easily available; the choice of whether or not to parent should be free and informed,'' and that: ''People need accurate and complete information to make childbearing decisions that are appropriate for them. They want and need to know about abstinence, birth control, abortion, adoption, prenatal care, and parenting in an age-appropriate context.'' They say that they believe ''in trusting individuals and providing them with the information they need to make well-informed decisions about sexuality, family planning, and childbearing.''

If all that is true, why do the organization's actions, services, and expenditures not reflect it? Why does it lobby against and sue to overturn every informed consent provision enacted? Why does it provide so many abortions, especially when compared to so few adoption referrals and so little prenatal care?

Mr. Speaker, why would Planned Parenthood and a virtual who's who of abortion activists in America so vehemently oppose the Unborn Victims of Violence Act and promote a gutting substitute in its stead? Why would it take a position so extreme that 80 percent of Americans oppose it? The mothers of these babies have made their ''choice'' to have their babies, and someone else takes that decision from them. Should a mugger have unfettered access to maim or kill that baby without triggering a separate penalty for the crime?

Why would it oppose parental involvement in their daughters' pregnancy decisions, in one of the most important decisions those young girls will ever make?

Because, Mr. Chairman, Planned Parenthood is not supportive of ''choice''—it is supportive of abortion, because, after all, that's how it stays in business.

PP'S TARGETS

Planned Parenthood has been very clever and self-serving in its business practices. Not only has it fought to keep abortion legal and to give it protection that is to be found nowhere in our Constitution, not only has it kept its income stream pouring in from local, state, and federal governments and from clients, but it has successfully brainwashed its target audiences so that its ''services'' remain in high demand.

Again, Margaret Sanger, the founder of Planned Parenthood, laid the groundwork for this business plan back in the early 1900s. In her book, Pivot of Civilization, Sanger argued, ''We are paying for and even submitting to the dictates of an ever increasing, unceasingly spawning class of human beings who never should have been born at all.'' In Chapter 5 of that book, which is entitled the ''Cruelty of Charity,'' she pulls no punches in condemning those of us who seek to help poor, disadvantaged pregnant women get maternal health care:

''. . . Organized charity itself is the symptom of a malignant social disease.

Those vast, complex, interrelated organizations aiming to control and to diminish the spread of misery and destitution and all the menacing evils that spring out of this sinisterly fertile soil, are the surest sign that our civilization has bred, is breeding and is perpetuating constantly increasing numbers of defectives, delinquents and dependents. My criticism, therefore, is not directed at the ''failure'' of philanthropy, but rather at its success. . . .

But there is a special type of philanthropy or benevolence, now widely advertised and advocated, both as a federal program and as worthy of private endowment, which strikes me as being more insidiously injurious than any other. This concerns itself directly with the function of maternity, and aims to supply gratis medical and nursing facilities to slum mothers. Such women are to be visited by nurses and to receive instruction in the ''hygiene of pregnancy''; to be guided in making arrangements for confinements; to be invited to come to the doctor's clinics for examination and supervision. They are, we are informed, to ''receive adequate care during pregnancy, at confinement, and for one month afterward. Thus are mothers and babies to be saved, ''Childbearing is to be made safe.'' The work of the maternity centers in the various American cities in which they have already been established and in which they are supported by private contributions and endowment, it is hardly

necessary to point out, is carried on among the poor and more docile sections of the city, among mothers least able, through poverty and ignorance, to afford the care and attention necessary for successful maternity. . . . The effect of maternity endowments and maternity centers supported by private philanthropy would have, perhaps already have had, exactly the most dysgenic tendency. The new government program would facilitate the function of maternity among the very classes in which the absolute necessity is to discourage it.

Such ''benevolence'' is not merely superficial and nearsighted. It conceals a stupid cruelty . . . Aside from the question of the unfitness of many women to become mothers, aside from the very definite deterioration in the human stock that such programs would inevitable hasten, we may question its value even to the normal though unfortunate mother. For it is never the intention of such philanthropy to give the poor over-burdened and often undernourished mother of the slum the opportunity to make the choice herself, to decide whether she wishes time after time to bring children into the world.

. . . The most serious charge that can be brought against modem ''benevolence'' is that it encourages the perpetuation of defectives, delinquents and dependents.''

In 1922, Margaret Sanger stated, ''All our problems are the result of overbreeding among the working classes.'' The Planned Parenthood of today has stayed true to Sanger's school of thought, identifying its ''core clients'' as ''young women, low-income women, and women of color.'' Planned Parenthood's research arm, the Alan Guttmacher Institute, has disclosed that this objective has been achieved: forty-five percent of women who have abortions are college-age, 18–24 years old. Women aged 20–24 have a higher abortion rate than any other group, followed closely by women aged 18–19. Black women are three times as likely as others to have abortions, and the numbers of poor women who have abortions are triple those of others. Since 1973, the year the unelected, lifetime-appointed justices on the Supreme Court made abortion legal on demand, at least 13.8 million minority babies have been aborted. Black and Hispanic women represent only a quarter of American women of child-bearing age, yet account for more than half of all abortions in the US.

Alveda King, the niece of the late Dr. Martin Luther King, Jr., was herself deceived by the lies of the abortion lobby in the wake of Roe v. Wade. Alveda experienced firsthand the tragic consequences abortion inflicts on women who undergo them—she had two abortions and now deeply regrets them—and to their entire families, and to society in general. Citing her uncle, who once said, ''The Negro cannot win as long as he is willing to sacrifice the lives of his children for comfort and safety,'' Alveda asks, ''How can the 'Dream' survive if we murder the children?'' Today, Alveda is part of a courageous group of women, all of whom have had abortions and have come to regret that fact, called Silent No More. These amazing women help women who have had abortion find peace and reconciliation.

EFFECTS OF ABORTION ON WOMEN

Planned Parenthood also perpetuates the myth that abortion is safer than childbirth. Of course its never safer for the baby. And the CDC abortion surveillance, however, doesn't even track morbidity, so data on injury and illness from abortion is obtained from the abortion mills—talk about a conflict of interest. Mortality—death to women from abortion—is likely to be underreported. That's true, in part, because women who have had abortions, suffering serious complications, often seek assistance at hospital emergency rooms rather than the abortion mill, and the death certificates, at times, list sepsis or infection, rather than abortion, as the cause of death. Moreover, national reporting of death to women from abortion is extremely passive, thus the likelihood of underreporting.

I would encourage anyone seeking the truth on this question to ask the family and friends of Holly Patterson, who died two weeks after her eighteenth birthday from septic shock after taking RU–486, the abortion pill. Her parents had no idea what she had done until arriving at the hospital the day she died. The abortion pill was provided to her at a Planned Parenthood clinic. A state of California investigation into her death found that that clinic failed to report her death to the state Department of Health, and that it did not give her full information and education on how to take the drug.

This is not surprising, considering that Planned Parenthood was involved in the sham trials that allowed RU–486 to be approved for sale by the Clinton FDA, something that needs to be seriously reconsidered and the drug pulled off the market. Between October 1994 and September 1995, the Des Moines, Iowa, Planned Parenthood clinic participated in these trials. Based on Planned Parenthood's accounting, news reports said no problems had been experienced in the trials. One Iowa doctor watching the news was in disbelief about what he was reading. This doctor, Mark Louviere, had attended to a woman who had participated in the trials and had suffered serious side effects two weeks later, as a result of taking the abortion pill. When Dr. Louviere arrived in the emergency room, the woman had lost between half and two-thirds of her blood volume, and she was in shock. Dr. Louviere immediately took her into surgery to save her life. In his own words, ''If near death due to the loss of half of one's blood volume, surgery, and a transfusion of four units of blood do not qualify as a complication, I don't know what does.'' Planned Parenthood responded that they only reported what happened during the immediate time period of the trial—so the fact that this woman nearly died from taking a drug that they were responsible for reporting the effects of was of no concern to them.

In challenging Planned Parenthood's assertion that abortion is safer than childbirth, I'd also look into the story of Michelle Madden, an 18-year-old college freshman who decided to have an abortion after a doctor told her that the drugs she was taking for epilepsy would cause her baby to be deformed. Michelle collapsed three days after the abortion, and at the hospital, doctors found that pieces of the baby were still inside her. Michelle died of a blood infection resulting from the abortion three days after admission to the hospital.

I would suggest reading about what happened to Mary Pena, 43 years old, the mother of five children, who died after she underwent a second-trimester abortion and bled to death on the operating table.

You might also be interested in the story of Debra Ann Lozinski, who was 16 years old when she went in for an abortion in my home state of New Jersey. Due to a lack of oxygen caused by the general anesthesia she was given for her abortion, Debra fell into a coma, where she remained for several months before developing pneumonia and then going into septic shock. Debra died 12 days after her 17th birthday.

I'd also suggest learning about 22-year-old Tamika Dowdy, who sought an abortion when she was four months pregnant so that she could finish her college education. Paramedics were called to the clinic where Tamika's baby was being aborted, because Tamika was having problems breathing. They were unable to save her.

There are many, many more heart-breaking accounts just like those of these women—and those are only the ones we know about. Multiples of these exist, but the whole story hasn't been disclosed.

Justice Blackmun, the author of Roe v. Wade, helped create the safe abortion myth, based on studies and opinions of population control advocates, who were avidly promoting liberalized abortion laws. In reality, not only can abortions immediately kill women, through hemorrhaging, septic shock, uterine perforation, cervical lacerations, etc., but there are also long-term consequences of abortion that can lead to death, including suicide and breast, cervical, and ovarian cancer.

Beyond these deaths, the impact of abortion on women, both physical and psychological, is devastating. Women suffer from many adverse post-abortion reactions, ranging from bleeding, cramping, and infection to depression and substance abuse to breast cancer and infertility. The risk of these detrimental effects of abortion is greatly multiplied in teens, one of the groups Planned Parenthood specifically targets. The brave women in the Silent No More Awareness Campaign have shown us that abortion really does hurt both babies and women, and sometimes even kills both. Abortionist Warren Hern admits, ''In medical practice, there are few surgical procedures given so little attention and so underrated in its potential hazards as abortion. It is a commonly held view that complications are inevitable.'' This is not a simple surgical procedure, the same as any other, and the baby being killed is not a clump of cells.

Planned Parenthood downplays the physical or emotional after-effects of abortion. Their website claims, ''Most women feel relief after an abortion. Serious emotional problems after abortion are much less likely than they are after giving birth.'' While this may be true immediately after the abortion, a new study from New Zealand has shown that the long-term psychological consequences are much greater. Women who have had abortions are, in many cases, the walking wounded.

The people pushing the safe abortion myth are the same as those who inflate the statistics about back-alley abortions. They are the same ones trying to instill a sense of pride about abortion by marketing ''I had an abortion'' T-shirts. These people, the people behind the propaganda machine at Planned Parenthood, are the same ones who are making millions from abortion, from killing our babies.

Planned Parenthood cannot be trusted, and it appears that even it is starting to recognize that fact. Until July of 2005, its tagline read:

"Planned Parenthood Federation of America is the nation's largest and most trusted voluntary reproductive health organization." It has since dropped the reference to trust and replaced that line with this slogan: "Planned Parenthood Federation of America is the nation's leading sexual and reproductive health care advocate and provider." Mr. Speaker, the truth about Planned Parenthood's pattern of deceit and destruction of human life must at long last be brought to light. The cover-up is over.

TRIBUTE TO MARGARET HELLER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. WILSON of South Carolina. Mr. Speaker, the following resolution was passed in honor of Margaret Heller Percell by the South Carolina Human Affairs Commission.

RESOLUTION HONORING MARGARET HELLER PERCELL

Whereas Margaret Heller Percell will retire on February 1, 2006, after thirty-eight years of service to the state of South Carolina and

Whereas Margaret began her service to the State of South Carolina in May, 1967, at South Carolina State University in the Career Planning and Placement Office and

Whereas Margaret became a member of the Governor's staff in August, 1968, as the first black since reconstruction serving under Governors Robert E. McNair and John C. West, respectfully, and

Whereas Margaret jointed the staff of the South Carolina Human Affairs Commission in September, 1975, as staff assistant to the Commissioner and was appointed to the position of Procurement Officer in 1978 where she has served for the past twenty-seven years and

Whereas Margaret has served as a member of the South Carolina Governmental Fleet Managers Association (SCGFMA) and the South Carolina Association of Governmental Purchasing Officers (SCAGPO), Bethune-Westside Chapter of National Council of Negro Women, the Daisy Dunn Johnson Foundation, Hope School Preservation/Restoration Committee, the Ryan Street Home Owners Association and a member of Brookland Baptist Church where she served as president of the Deaconesses for fifteen years.

It is hereby resolved that the members of the South Carolina Human Affairs Commission commend Margaret for her exemplary service to the Commission and the State of South Carolina.

PERSONAL EXPLANATION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. BILIRAKIS. Mr. Speaker, I missed rollcall votes numbered 5, 6 and 7. Had I been present, I would have voted "yea" on rollcall votes 5 and 6 and "nay" on roll callvote 7.

A TRIBUTE TO NASHVILLE SCRAPPERS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2006

Mr. ROSS. Mr. Speaker, it is with honor and great pride that I recognize and congratulate the Nashville Scrappers of Southwest Arkansas, whose outstanding teamwork and dedication on the football field earned the team the Class AAA State Title at War Memorial Stadium in Little Rock on December 13, 2005. The Nashville Scrappers embody the spirit of teamwork, determination, and dedication that defines a champion.

As a parent, I understand the important lifetime lessons that teamwork teaches our students in pursuit of a lifetime of success. I have long been an advocate of sports and extracurricular activities as they complement academic excellence and inspire leadership, character, and perseverance as our students face the challenges of the 21st century.

It is a tremendous honor to once again congratulate the Nashville High School football program on winning the Class AAA State Football Title. I applaud the Nashville Scrappers for their season of dedication. This victory is the result of hard work among the players, student body, coaching staff, Nashville High School faculty, and the community. I salute the coaches, parents, and players who stayed the course and rose to the occasion in becoming state champions.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 9, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 10

9:30 a.m.
Homeland Security and Governmental Affairs
To continue hearings to examine Hurricane Katrina response issues, focusing on the roles of the Department of Homeland Security and the Federal Emergency Management Agency leadership.
SD–342

FEBRUARY 13

10 a.m.
Homeland Security and Governmental Affairs
To resume hearings to examine Hurricane Katrina response issues, focusing on waste, fraud, and abuse during the disaster.
SD–342

FEBRUARY 14

9:30 a.m.
Armed Services
To resume hearings to examine the defense authorization request for fiscal year 2007 and the future years defense program.
SD–106

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Randall S. Kroszner, of New Jersey, and Kevin M. Warsh, of New York, each to be a Member of the Board of Governors of the Federal Reserve System, and Edward P. Lazear, of California, to be a Member of the Council of Economic Advisers.
SD–538

Budget
To hold hearings to examine understanding the causes and solutions to addressing the Federal tax gap.
SD–608

Energy and Natural Resources
To hold hearings to examine the Energy Information Administration's 2006 annual energy outlook on trends and issues affecting the United States' energy market.
SD–366

Foreign Relations
To hold hearings to examine the President's proposed budget request for fiscal year 2007 for foreign affairs.
SH–216

Health, Education, Labor, and Pensions
To hold hearings to examine reauthorization of the Ryan White CARE Act relating to fighting the AIDS epidemic of today.
SD–430

Homeland Security and Governmental Affairs
To continue hearings to examine Hurricane Katrina response issues, focusing on the Homeland Security Department's preparation and response.
SD–342

Veterans' Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2007 for the Department of Veterans Affairs.
SR–418

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine S. 2197, to improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories.
SD–366

Indian Affairs
To hold oversight hearings to examine the President's proposed budget request for fiscal year 2007 for Indian programs.
SR–485

Health, Education, Labor, and Pensions
Retirement Security and Aging Subcommittee
To hold hearings to examine the Older Americans Act.
SD–430

Commerce, Science, and Transportation
Trade, Tourism, and Economic Development Subcommittee
To hold hearings to examine the economic impacts of the Canadian softwood lumber dispute on U.S. industries.
SD–562

FEBRUARY 15

9:30 a.m.
Armed Services
To hold hearings to examine the nominations of Preston M. Geren, of Texas, to be Under Secretary of the Army, Michael L. Dominguez, of Virginia, to be Deputy Under Secretary of Defense for Personnel and Readiness, James I. Finley, of Minnesota, to be Deputy Under Secretary of Defense for Acquisition and Technology, and Thomas P. D'Agostino, of Maryland, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.
SD–106

9:35 a.m.
Environment and Public Works
To hold hearings to examine the Environmental Protection Agency's proposed budget for fiscal year 2007.
SD–628

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine rebuilding needs in Katrina-impacted areas.
SD–538

Commerce, Science, and Transportation
To hold hearings to examine video franchising.
SD–562

Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine communication and mine safety technology issues.
SD–430

Judiciary
To hold hearings to examine executive and judicial nominations.
SD–226

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine progress on the Capitol Visitor Center.
SD–138

11 a.m.
Energy and Natural Resources
Business meeting to consider the President's views and estimates to be submitted to the Committee on the Budget.
SD–366

2 p.m.
Budget
To continue hearings to examine the President's fiscal year 2007 budget proposal.
SD–608

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine developments in nanotechnology.
SD–562

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to review the progress made on the development of interim and long-term plans for use of fire retardant aircraft in Federal wildfire suppression operations.
SD–366

FEBRUARY 16

9:30 a.m.
Armed Services
To hold hearings to examine priorities and plans for the atomic energy defense activities of the Department of Energy and to review the President's proposed budget request for fiscal year 2007 for atomic energy defense activities of the Department of Energy and the National Nuclear Security Administration.
SD–106

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the semiannual monetary policy report to the Congress.
SD–538

10:45 a.m.
Budget
To continue hearings to examine the President's fiscal year 2007 budget proposal.
SD–608

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine NOAA budget.
SD–562

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1870, 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, S. 1913, 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, S. 1970, 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, H.R. 562, 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, to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System.

SD–366

FEBRUARY 28

9:30 a.m.
Indian Affairs
To hold oversight hearings to examine Indian gaming activities.

SR–485

2 p.m.
Veterans' Affairs
To hold hearings to examine legislative presentation of the Disabled American Veterans.

SD–106

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine the Bureau of Reclamation Reuse and Recycling Program (Title XVI of Public Law 102–575).

SD–366

MARCH 1

9:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources to examine the settlement of Cobell v. Norton.

SH–216

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Library of Congress, Open World Leadership Council, and Government Accountability Office.

SD–138

2:30 p.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine winter storms.

SD–562

MARCH 7

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2007 and the future years defense program.

SD–106

MARCH 9

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine aviation security and the Transportation Security Administration.

SD–562

MARCH 13

3 p.m.
Armed Services
To hold a closed briefing on an update from the Joint Improvised Explosive Device Defeat Organization.

SR–222

MARCH 14

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2007 and the future years defense program.

SH–216

MARCH 15

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the the Secretary of the Senate, Architect of the Capitol, and the Capitol Visitor Center.

SD–138

MARCH 16

10 a.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine impacts on aviation regarding volcanic hazards.

SD–562

MARCH 30

10 a.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold an oversight hearing to examine National Polar-Orbiting Operational Environmental Satellite System.

SD–562

APRIL 5

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Sergeant at Arms and U.S. Capitol Police Board.

SD–138

APRIL 26

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine progress on the Capitol Visitor Center.

SD–138

MAY 3

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.

SD–138

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine progress on the Capitol Visitor Center.

SD–138

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S781–S873

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 2255–2261, S. Res. 370, and S. Con. Res. 80. **Page S864**

Measures Passed:

Bill Enrollment: Senate agreed to S. Con. Res. 80, relating to the enrollment of S. 1932. **Page S870**

Honoring Coal Miners: Senate agreed to S. Res. 370, honoring the sacrifice and courage of the 16 coal miners killed in various mine disasters in West Virginia, and recognizing the rescue crews for their outstanding efforts in the aftermath of the tragedies. **Pages S870–71**

Fairness in Asbestos Injury Resolution Act: Senate began consideration of S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, after agreeing to the motion to proceed to the consideration of the bill, pursuant to the order of February 7, 2006. **Pages S786–S837, S837–53**

A unanimous-consent agreement was reached providing for further consideration of the bill on Thursday, February 9, 2006. **Page S872**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, consistent with the Office of National Drug Control Reauthorization Act of 1998 (21 U.S.C. 1705), the 2006 National Drug Control Strategy; which was referred to the Committee on the Judiciary. (PM–37) **Page S861**

Transmitting, pursuant to law, a report relative to blocking property of certain persons contributing to the conflict in Côte d'Ivoire; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–38) **Page S861**

Edelman Nomination—Cloture: Senate began consideration of the nomination of Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy. **Pages S871–72**

A motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, February 10, 2006. **Page S872**

Nominations Confirmed: Senate confirmed the following nomination:

Roland Arnall, of California, to be Ambassador to the Kingdom of the Netherlands. (Prior to this action, the nomination was recommitted to the Committee on Foreign Relations and it was then discharged from further consideration.) **Pages S870, S873**

Nominations Received: Senate received the following nominations:

Patricia P. Brister, of Louisiana, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

Sandra Segal Ikuta, of California, to be United States Circuit Judge for the Ninth Circuit.

Michael Brunson Wallace, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

1 Marine Corps nomination in the rank of general.

A routine list in the Coast Guard. **Pages S872–73**

Messages From the House: **Page S862**

Executive Communications: **Pages S862–64**

Additional Cosponsors: **Pages S864–65**

Statements on Introduced Bills/Resolutions: **Page S865**

Additional Statements: **Pages S859–60**

Amendments Submitted: **Pages S869–70**

Authorities for Committees to Meet: **Page S870**

Privileges of the Floor: **Page S870**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:53 p.m., until 9:30 a.m., on Thursday, February 9, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S872.)

Committee Meetings

(Committees not listed did not meet)

PHONE RECORD PRIVACY

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Product Safety, and Insurance concluded hearings to examine issues with respect to the procurement and sale of consumers' private phone records, and Federal efforts to protect the privacy and security of telephone records and other types of sensitive consumer information, after receiving testimony from Senator Schumer; former Representative Steve Largent, on behalf of CTIA—The Wireless Association; Kris Anne Monteith, Chief, Enforcement Bureau, Federal Communications Commission; Lydia B. Parnes, Director, Bureau of Consumer Protection, Federal Trade Commission; Marc Rotenberg, Electronic Privacy Information Center, and Cindy Southworth, National Network to End Domestic Violence, both of Washington, D.C.; and Robert Douglas, PrivacyToday.com, Steamboat Springs, Colorado.

Nominations:

Committee on Environment and Public Works: Committee concluded a hearing to examine the nominations of Terrence L. Bracy, of Virginia, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, Dennis Bottorff, of Tennessee, who was introduced by Senator Alexander, Robert M. Duncan, of Kentucky, who was introduced by Senators McConnell and Bunning, Susan Richardson Williams, of Tennessee, who was introduced by Senator Alexander, William B. Sansom, of Tennessee, Howard A. Thrailkill, of Alabama, who was introduced by Senators Sessions and Alexander, and Donald R. DePriest, of Mississippi, who was introduced by Senators Cochran and Lott, all to be Members of the Board of Directors of the Tennessee Valley Authority, after the nominees testified and answered questions in their own behalf.

MEDICARE PRESCRIPTION DRUG BENEFIT

Committee on Finance: Committee held a hearing to examine implementation of the new Medicare prescription drug benefit, focusing on the volume of calls to 1–800–MEDICARE, pharmacy outreach, and total enrollment in the drug benefit program, receiving testimony from Mark B. McClellan, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; William Fleming, Humana, Inc., Louisville, Kentucky; Susan E. Rawlings, Wellpoint, Inc., Newbury Park, California; David W. Bernauer, Walgreen Company, Deerfield, Illinois; Tobey Schule, Sykes Pharmacy, Kalispell, Montana; Joy Paeth, Area Agency on Aging of Southwestern Illinois, Belleville; and Pamela Willoughby, St. John's Episcopal Church and Bedford Presbyterian Church, Bedford, Virginia.

Hearing recessed subject to the call.

NOMINATIONS:

Committee on Foreign Relations: Committee concluded a hearing 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, who was introduced by Senator Enzi, after the nominees testified and answered questions in their own behalf.

IRAQ

Committee on Foreign Relations: Committee concluded a hearing to examine ongoing efforts to achieve the reconstruction and development of Iraq, focusing on improving primary health care, expanding access to electricity, providing potable water, restoring sewage systems, improving local governance and community development, connecting Iraq to the global economy, and transforming primary education, after receiving testimony from Stuart W. Bowen, Jr., Special Inspector General for Iraq Reconstruction (SIGIR), Office of the SIGIR, Department of Defense; James Jeffrey, Senior Advisor to the Secretary of State for Iraq, Department of State; James R. Kunder, Assistant Administrator for Asia and the Near East, U.S. Agency for International Development; and Joseph A. Christoff, Director, International Affairs and Trade, Government Accountability Office.

INDIAN TRIBES AND THE FEDERAL ELECTION CAMPAIGN ACT

Committee on Indian Affairs: Committee concluded an oversight hearings to examine the application of the Federal Election Campaign Act to Indian tribes and the Federal Election Commission's past decisions in this area, after receiving testimony from Michael E. Toner, Chairman, and Robert D. Lenhard, Vice Chairman, both of the Federal Election Commission; and Philip N. Hogen, National Indian Gaming Commission, W. Ron Allen, National Congress of American Indians, Lawrence Noble, Center for Responsive Politics, and James A. Thurber, American University Center for Congressional and Presidential Studies, all of Washington, D.C.

LEGISLATIVE PROCESS TRANSPARENCY

Committee on Rules and Administration: Committee concluded a hearing to examine procedures to bring

greater transparency to the legislative process, focusing on lobbying and related reforms, and strengthening the enforcement of existing public advocacy laws and ethics rules that cover Members of Congress, staff and lobbyists, after receiving testimony from Senators McCain, Feingold, Coleman, and Obama; and former Representative Al Swift and Robert D. Hynes, Jr., both of Colling Murphy Swift Hynes, LLC, James A. Thurber, Center for Congressional and Presidential Studies, and Fred Wertheimer, Democracy 21, all of Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 32 public bills, H.R. 4707–4739; and 9 resolutions, H.J. Res. 77–78; H. Con. Res. 334–338; and H. Res. 671–672, were introduced. **Pages H223–25**

Additional Cosponsors: **Pages H225–26**

Reports Filed: Reports were filed as follows:

H.R. 3729, to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, with an amendment (H. Rept. 109–371);

H.R. 2791, to amend title 35, United States Code, with respect to patent fees (H. Rept. 109–372); and

H.R. 4093, to provide for the appointment of additional Federal circuit and district judges, to improve the administration of justice, with an amendment (H. Rept. 109–373). **Page H223**

Chaplain: The prayer was offered today by Rev. John Appel, Senior Pastor, Frederick Seventh-day Adventist Church, Frederick, Maryland. **Page H161**

Committee Resignation: Read a letter from Representative Ros-Lehtinen wherein she resigned from the Committee on the Budget, effective immediately. **Page H164**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Congratulating the National Football League champion Pittsburgh Steelers for winning Super Bowl XL and completing one of the greatest postseason runs in professional sports history: H. Res. 670, to congratulate the National Football League champion Pittsburgh Steelers for winning Super Bowl XL and completing one of the greatest postseason runs in professional sports history, by a yea-and-nay vote of 384 yeas with none voting "nay" and 10 voting "present", Roll No. 5; **Pages H164–68, H194**

To designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the "Hattie Caraway Station": H.R. 4456, amended, designating the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the "Hattie Caraway Station"; **Pages H168–69**

Agreed to amend the title so as to read: "To designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the "Hattie W. Caraway Station"."." **Page H169**

Supporting the goals and ideals of The Year of the Museum: H. Res. 389, to support the goals and ideals of The Year of the Museum; **Pages H169–71**

Supporting the goals and ideals of National Mentoring Month: H. Res. 660, to support the goals and ideals of National Mentoring Month; **Pages H171–74**

Honoring the contributions of Catholic schools: H. Res. 657, to honor the contributions of Catholic schools, by a yea-and-nay vote of 392 yeas with none voting "nay", Roll No. 6; **Pages H174–80, H194–95**

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: H. Con. Res. 331, amended, to honor 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. **Pages H180–85**

Agreed to amend the title so as to read: ''Honoring the sacrifice and courage of the 16 coal miners killed in various mine disasters in West Virginia, and recognizing the rescue crews for their outstanding efforts in the aftermath of the tragedies.''. **Page H185**

Recess: The House recessed at 4:40 p.m. and reconvened at 5:12 p.m. **Page H185**

Tax Relief Act of 2005—Motion to go to Conference: The House disagreed to the Senate amendments to H.R. 4297, to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006, and asked for a conference. **Pages H185–92, H195–96**

Rejected the Neal motion to instruct conferees by a yea-and-nay vote of 185 yeas to 207 nays, Roll No. 7. **Pages H185–92, H195–96**

Appointed as conferees: Representatives Thomas, McCrery, Camp of Michigan, Rangel, and Stark. **Page H196**

Committee Resignation: Read a letter from Representative King wherein he resigned from the Committee on Financial Services, effective immediately. **Pages H192–93**

Election of Majority Leader: The Chairman of the Republican Conference, Representative Pryce of Ohio, announced the election of Representative Boehner as the Majority Leader. **Page H195**

Committee Elections: The House agreed to H. Res. 671, electing the following members to the following standing committees: **Page H196**

Committee on Appropriations: Representative DeLay to rank after Representative Wolf. **Page H196**

Committee on the Budget: Representative Campbell of California. **Page H196**

Committee on Energy and Commerce: Representative Blunt to rank after Representative Fossella. **Page H196**

Committee on Financial Services: Representative Campbell of California. **Page H196**

Committee on Veterans' Affairs: Representative Campbell of California. **Page H196**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, February 15th. **Page H196**

Presidential Message—National Emergency re Côte d'Ivoire: Read a message from the President wherein he declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the conflicts in Côte d'Ivoire—referred to the Committee on International Relations and ordered printed (H. Doc. 109–88). **Page H193**

Presidential Message: Read a letter from the President wherein he transmitted the 2006 National Drug Control Strategy—referred to the Committees on the Judiciary, Energy and Commerce, Education and the Workforce, Government Reform, International Relations, Transportation and Infrastructure, the Permanent Select Committee on Intelligence, and the Committee on Homeland Security. **Page H193**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H202.

Senate Referrals: S. Con. Res. 69 and S. Con. Res. 80 were held at the desk.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings today and appear on pages H194, H194–95, and H195–96. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 11:21 p.m.

Committee Meetings

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2007

Committee on Armed Services: Held a hearing on the Fiscal Year 2007 National Defense Authorization budget request from the Department of Defense. Testimony was heard from the following officials of the Department of Defense: Donald H. Rumsfeld, Secretary; GEN Peter Pace, USMC, Chairman, Joint Chiefs of Staff; and GEN Peter Schoomaker, USA, Chief of Staff, U.S. Army.

PRESIDENT'S BUDGET FISCAL YEAR 2007

Committee on the Budget: Held a hearing on the President's Budget for Fiscal Year 2007. Testimony was heard from Joshua B. Bolten, Director, OMB.

BUILD HOUSES FOR OUR MILITARY'S ENLISTED SERVICEMEMBERS ACT

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing on H.R. 3186, Build Houses for Our Military's Enlisted Servicemembers Act. Testimony was heard from Representatives Ryun of Kansas and Green of Texas; and public witnesses.

FLU PANDEMIC

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science

and Technology held a joint hearing entitled ''Protecting the Homeland: Fighting Pandemic Flu From the Front Lines.'' Testimony was heard from David B. Mitchell, Secretary, Department of Safety and Homeland Security, State of Delaware; and public witnesses.

RESOLUTIONS OF INQUIRY

Committee on International Relations: Ordered reported adversely the following resolutions: 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.

LIBERIA'S ELECTION—IMPACT ON WEST AFRICA

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on The Impact of Liberia's Election on West Africa. Testimony was heard from the following officials of the Department of State: Jendayi E. Frazier, Assistant Secretary, Bureau of African Affairs; and Lloyd Pierson, Assistant Administrator, Africa, U.S. Agency for International Development; and public witnesses.

SECOND CHANCE ACT—OFFENDER RE-ENTRY

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 1704, Second Chance Act of 2005 (Part 2): An Examination of Drug Treatment Programs Needed to Ensure Successful Re-entry. Testimony was heard from Nora Volkow, M.D., Director, National Institute on Drug Abuse, NIH, Department of Health and Human Services; Ken Batten, Director, Office of Substance Abuse Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, State of Virginia; and public witnesses.

BIOMASS ENERGY USAGE

Committee on Resources: Subcommittee on Forests and Forest Health and the Subcommittee on Energy and Mineral Resources held a joint oversight hearing on the Effects of High Energy Costs on Jobs and the Potential for Expanded Use of Biomass for Energy. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 4013, To amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah; H.R. 4080, Glendo Unit of the Missouri River Basin Project Contract Extension Act of 2005; H.R. 4204, American River Pump Station Project Transfer Act of 2005; and H.R. 4301, Blunt Reservoir and Pierre Canal Land Conveyance Act of 2005. Testimony was heard from the following officials of the Department of the Interior: Reed Murray, Program Director, Central Utah Completion Act Office; and Larry Todd, Deputy Commissioner, Policy, Administration and Budget, Bureau of Reclamation; and public witnesses.

INTERNET SALES TAX

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing entitled ''The Internet Sales Tax: Headaches Ahead for Small Business?'' Testimony was heard from public witnesses.

U.S.-E.U. AIR TRAVEL CONTROL

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an 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.'' Testimony was heard from Jeff Shane, Under Secretary, Policy, Department of Transportation; John Byerly, Deputy Assistant Secretary, Transportation Affairs, Department of State; and public witnesses.

OVERSIGHT—VA'S BUDGET REQUEST FISCAL YEAR 2007

Committee on Veterans' Affairs: Held an oversight hearing on the VA's Budget Request for Fiscal Year 2007. Testimony was heard from R. James Nicholson, Secretary of Veterans Affairs; and representatives of veterans organizations.

PRESIDENT'S BUDGET FISCAL YEAR 2007

Committee on Ways and Means: Held hearings on the President's Fiscal Year 2007 Budget proposals for the Department of Health and Human Services and OMB. Testimony was heard from Michael Leavitt, Secretary of Health and Human Services and Joshua B. Bolten, Director, OMB.

INTELLIGENCE BUDGET FISCAL YEAR 2007

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Fiscal Year 2007 Intelligence Budget. Testimony was heard from Ambassador John D. Negroponte, Director, National Intelligence.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 9, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on District of Columbia, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the D.C. Courts, D.C. Court Services and Offender Supervision Agency, and the D.C. Public Defender Service, 1 p.m., SD–192.

Committee on Commerce, Science, and Transportation: to hold an oversight hearing to examine commercial aviation security, focusing on Transportation Security Administration's aviation passenger screening programs, Secure Flight and Registered Traveler, to discuss issues that have prevented these programs from being launched, and to determine their future, 10 a.m., SD–562.

Committee on Energy and Natural Resources: to hold hearings to examine the President's proposed budget request for fiscal year 2007 for the Department of Energy, 9:30 a.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold hearings to examine the impact of clean air regulations on natural gas prices, 9:30 a.m., SD–628.

Committee on Finance: to hold hearings to examine the President's proposed budget request for fiscal year 2007 for the Department of Health and Human Services, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine new initiatives in cooperative threat reduction, 9:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the role of education in global competitiveness, 10 a.m., SD–106.

Committee on Homeland Security and Governmental Affairs: to resume hearings to examine Hurricane Katrina response issues, focusing on the Defense Department's role in the response, 10 a.m., SD–342.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 10 a.m., SH–219.

House

Committee on Government Reform, hearing entitled "Sharpening Our Edge—Staying Competitive in the 21st Century Marketplace," 9 a.m., 2154 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Thursday, February 9

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 30 minutes), Senate will continue consideration of S. 852, Fairness in Asbestos Injury Resolution Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, February 14

House Chamber

Program for Tuesday: To be announced.

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