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

S. 412

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Local Emergency Health Services Reimbursement Act of 2003''.

SEC. 2. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

Section 4723 of the Balanced Budget Act of 1997 (8 U.S.C. 1611 note) is amended to read as follows:

''SEC. 4723. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

''(a) TOTAL AMOUNT AVAILABLE FOR ALLOTMENT.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $1,450,000,000 for each of fiscal years 2004 through 2008, for the purpose of making allotments under this section to States described in paragraph (1) or (2) of subsection (b). Funds appropriated under the preceding sentence shall remain available until expended.

''(b) STATE ALLOTMENTS.—

''(1) BASED ON PERCENTAGE OF UNDOCUMENTED ALIENS.—

''(A) IN GENERAL.—Out of the amount appropriated under subsection (a) for each fiscal year, the Secretary shall use $957,000,000 of such amount to make allotments for each such fiscal year in accordance with subparagraph (B).

''(B) FORMULA.—The amount of the allotment for each State for a fiscal year shall be equal to the product of—

''(i) the total amount available for allotments under this paragraph for the fiscal year; and

''(ii) the percentage of undocumented aliens residing in the State with respect to the total number of such aliens residing in all States, as determined by the Statistics Division of the Immigration and Naturalization Service, as of January 2003, based on the 2000 decennial census.

''(2) BASED ON NUMBER OF UNDOCUMENTED ALIEN APPREHENSION STATES.—

''(A) IN GENERAL.—Out of the amount appropriated under subsection (a) for a fiscal year, the Secretary shall use $493,000,000 of such amount to make allotments for each such fiscal year for each of the 6 States with the highest number of undocumented alien apprehensions for such fiscal year.

''(B) DETERMINATION OF ALLOTMENTS.—The amount of the allotment for each State described in subparagraph (A) for a fiscal year shall bear the same ratio to the total amount available for allotments under this paragraph for the fiscal year as the ratio of the number of undocumented alien apprehensions in the State in the fiscal year bears to the total of such numbers for all such States for such fiscal year.

''(C) DATA.—For purposes of this paragraph, the highest number of undocumented alien apprehensions for a fiscal year shall be based on the 4 most recent quarterly apprehension rates for undocumented aliens in such States, as reported by the Immigration and Naturalization Service.

''(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State that is described in both of paragraphs (1) and (2) from receiving an allotment under both paragraphs for a fiscal year.

''(c) USE OF FUNDS.—

''(1) AUTHORITY TO MAKE PAYMENTS.—From the allotments made for a State under subsection (b) for a fiscal year, the Secretary shall pay directly to local governments, hospitals, or other providers located in the State (including providers of services received through an Indian Health Service facility whether operated by the Indian Health Service or by an Indian tribe or tribal organization) that provide uncompensated emergency health services furnished to undocumented aliens during that fiscal year, and to the State, such amounts (subject to the total amount available from such allotments) as the local governments, hospitals, providers, or State demonstrate were incurred for the provision of such services during that fiscal year.

''(2) LIMITATION ON STATE USE OF FUNDS.—Funds paid to a State from allotments made under subsection (b) for a fiscal year may only be used for making payments to local governments, hospitals, or other providers for costs incurred in providing emergency health services to undocumented aliens or for State costs incurred with respect to the provision of emergency health services to such aliens.

''(3) INCLUSION OF COSTS INCURRED WITH RESPECT TO CERTAIN ALIENS.—Uncompensated emergency health services furnished to aliens who have been allowed to enter the United States for the sole purpose of receiving emergency health services may be included in the determination of costs incurred by a State, local government, hospital, or other provider with respect to the provision of such services.

''(d) APPLICATIONS; ADVANCE PAYMENTS; REALLOTMENT OF UNUSED FUNDS.—

''(1) DEADLINE FOR ESTABLISHMENT OF APPLICATION PROCESS.—

''(A) IN GENERAL.—Not later than July 31, 2003, the Secretary shall establish a process under which States, local governments, hospitals, or other providers located in the State may apply for payments from allotments made under subsection (b) for a fiscal year for uncompensated emergency health services furnished to undocumented aliens during that fiscal year.

''(B) INCLUSION OF MEASURES TO COMBAT FRAUD.—The Secretary shall include in the process established under subparagraph (A) measures to ensure that fraudulent payments are not made from the allotments determined under subsection (b) or from amounts reallotted under paragraph (3).

''(2) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The process established under paragraph (1) shall allow for making payments under this section for each quarter of a fiscal year on the basis of advance estimates of expenditures submitted by applicants for such payments and such other investigation as the Secretary may find necessary, and for making reductions or increases in the payments as necessary to adjust for any overpayment or underpayment for prior quarters.

''(3) REALLOTMENT OF UNUSED FUNDS.—

''(A) IN GENERAL.—With respect to allotments made under subsection (b) for a fiscal year, the amount of any allotment to a State for a fiscal year that the Secretary determines will not be expended during that fiscal year or the succeeding fiscal year shall be available for reallotment during the second succeeding fiscal year, on such date as the Secretary may determine, to other States with allotments under that subsection that the Secretary determines will use such excess amounts during that second succeeding fiscal year.

''(B) DETERMINATION OF REALLOTMENTS.—Reallotments under subparagraph (A) shall be made in the same manner as allotments are determined under paragraphs (1) and (2) of subsection (b) but only with respect to those States that the Secretary determines qualify for a reallotment for a fiscal year under that subparagraph.

''(C) TREATMENT.—Any amount reallotted under subparagraph (A) to a State is deemed to be part of its allotment under subsection (b) for the fiscal year in which the reallotment occurs.

''(e) DEFINITIONS.—In this section:

''(1) HOSPITAL.—The term 'hospital' has the meaning given such term in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)).

''(2) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

''(3) PROVIDER.—The term 'provider' includes a physician, any other health care professional licensed under State law, and any other entity that furnishes emergency health services, including ambulance services.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(5) STATE.—The term 'State' means the 50 States and the District of Columbia.

''(f) ENTITLEMENT.—This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of amounts provided under this section.''.

By Mr. NICKLES:

S. 413. A bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes; to the Committee on the Judiciary.

Mr. NICKLES. Mr. President, I rise today to introduce a bill and to speak about a litigation crisis affecting both the overall well-being of our nation and our ability to stimulate economic recovery. I'm speaking of the out-of-control explosion of asbestos litigation.

Asbestos litigation has become a disease in our economy. It threatens to drive scores of companies into bankruptcy. It discourages investment in companies under suit. It drives stock value down. It diverts funds away from expansion and growth. It results in job loss and, in short, it has become an obstacle to economic recovery.

The cost of asbestos litigation and burden on business has been devastating. Over 8,400 companies have been named as defendants in suits. At least $54 billion has been paid on more than 6000,000 claims. U.S. Insurers have paid over $22 billion. Insurers outside U.S. have paid $8–12. Defendant companies have already expended between $20–24 billion in claims and transaction costs associated with asbestos litigation.

The total cost of asbestos litigation could reach between $200–265 billion. This is revenue not invested in the economy, not invested in new jobs.

Some companies are hit with multiple suits involving thousands of plaintiffs. The weight of claims and settlements has resulted in an alarming increase in Chapter 11 bankruptcies. Over sixty companies have filed Chapter 11 bankruptcy due to asbestos claims. This trend toward bankruptcy has had an alarming domino effect. As companies declare Chapter 11 reorganization, the litigation burden shifts to other defendant companies only encouraging them to declare bankruptcy as well.

At least 5 major companies have each spent more than $1 billion. Thirty-eight of the nations top 100 contractors to the DoD are now asbestos defendants. This crisis threatens to impact our national security industry at the worst possible time in our history. But it also prevents us from aggressively stimulating the economy. The bottom-line is: the cost of litigation and/or bankruptcy siphons away critical business revenue needed for growth and the creation of new jobs. What is frightening, is that only about half the number of potential claimants have come forward thus far. If left unchecked, we have only seen the tip of this crisis.

It's not only business that suffers. Employees of defendant companies suffer a great deal from a damaging ripple effect. The Rand Institute of Civil Justice estimates that 100,000 jobs were not created as a result of asbestos litigation. Bankruptcies related to asbestos litigation have led to 52,000–60,000 people losing their jobs, according to a SEBAGO study. It is estimated that each displaced worker will lose, on average, $25,000–$50,000 in wages before finding a job, or in reduced salary following finding a new job.

It does not stop there. Approximately 42 percent of displaced manufacturing workers participate in retraining programs, costing about $2,000–$3,000 per worker. Local communities also bear the brunt of job reductions due to asbestos-related lay-offs. It is estimated that there have been between $.6 and $2.1 billion in additional indirect local costs and loss. On average, there are eight additional jobs lost locally for every initial job lost. Additional multiplier effects include lowered property values, population decline and lost Federal and State tax revenue.

Those employees fortunate enough not to lose their jobs in asbestos-related cut-backs, also suffer due to the weakened position of their employer. Studies show that reduced stock value in defendant companies results in a 25 percent reduction in employees' 401(k) plan value. The average worker loses, on average $8,300 in pension devaluation.

This is a situation that has been exploited by the non-injured. Over 65 percent of plaintiffs, estimates as high as 90 percent, have no medical injury, but have filed suit on the basis that they ''may'' develop illness in the future. To date, most claims have been paid to non-injured claimants. Some plaintiffs' attorneys are signing up thousands of individual plaintiffs onto suits where there may be no evidence of injury or no evidence of exposure to asbestos products. The effect is that the largest portion of the claim pool is being paid to non-injured claimants. As a result, this adversely affects the ability of truly injured plaintiffs to collect damages. Claimants with malignant injuries are being lost in the stampede of those not injured. There is not only less money for those who really need it, the courts are swamped with a flood of questionable claims. It is not surprising that the U.S. Supreme Court has twice called out for Congress to find a solution.

Congress must indeed act. We must find a solution that both protects the economy and the legal rights of those truly injured by asbestos or who will develop asbestos-related injuries in the future. That is why today I introduce a bill that will not only introduce criteria to reassert some control over an out-of-control litigation process, but will come to the assistance of those truly injured and who need help. It is also intended to put a halt to the severe damage asbestos litigation has been wrecking on our economy, so that we can get on with the process of economic recovery.

My bill, entitled the Asbestos Claims Criteria and Compensation Act of 2003, establishes medical criteria that a claimant must meet prior to filing a suit. It will also toll the statute of limitations, so that those who develop an asbestos-related disease years down the road will still retain their right of legal action. It also will limit abusive venue shopping, but provides an exception of venue choice for those terminally-ill and facing a shortened life expectancy.

In conclusion, I believe this bill offers a reasonable approach to resolving this serious problem. I believe it offers a solid bipartisan approach that many of my colleagues on both sides of the aisle will come to support. If ever we hope to stimulate our economy into recovery and achieve sustained growth, we must also address and eliminate those factors that tend to drag the economy in the opposite direction. Asbestos litigation is one of those inhibitors of the economy, and this bill is a good step toward recovery. I encourage my colleagues to lend their support to this bill and I thank you, Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 413

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 ''Asbestos Claims Criteria and Compensation Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) asbestos is a mineral that was widely used before the 1980s for insulation, fireproofing, and other purposes;

(2) millions of American workers and others were significantly exposed to asbestos, especially during and after World War II and before the advent of regulation by the Occupational Safety and Health Administration in the early 1970s;

(3) exposure to asbestos has been associated with various types of cancer, including mesothelioma and lung cancer, and such nonmalignant conditions as asbestosis, pleural plaques, and diffuse pleural thickening;

(4) the diseases caused by asbestos have latency periods of up to 40 years or more, but the most serious asbestos-related disease, mesothelioma, is fatal within 1 to 2 years, and other related cancers are often fatal;

(5) although the use of asbestos has dramatically declined since 1980 and workplace exposures have been regulated since 1971 by the Occupational Safety and Health Administration, past exposures will continue to result in significant death and disability from mesothelioma and other cancers well into the 21st century;

(6) exposure to asbestos has created a flood of litigation targeting approximately 8,400 defendant companies in Federal and State courts that the United States Supreme Court has characterized as ''an elephantine mass'' of cases that ''defies customary judicial administration and calls for national legislation,'' Ortiz v. Fibreboard Corporation, 119 S. Ct. 2295, 2302 (1999);

(7) the American Bar Association supports enactment of Federal legislation that would—

(A) allow persons alleging non-malignant asbestos-related disease claims to file a cause of action in Federal or State court only if those persons meet the medical criteria in the ''ABA Standard for Non-Malignant Asbestos-Related Disease Claims'' dated February 2003 or an appropriate similar medical standard; and

(B) toll all applicable statutes of limitations until such time as the medical criteria in such standard are met;

(8) asbestos personal injury litigation can be unfair and inefficient, imposing a severe burden on litigants and taxpayers alike, in most cases involving defendant companies that were never involved in the production of asbestos;

(9) the extraordinary volume of nonmalignant asbestos cases continues to strain Federal and State courts, with over 200,000 cases pending and over 50,000 new cases filed each year;

(10) asbestos personal injury litigation has already contributed to the bankruptcy of more than 60 companies and the rate of asbestos-driven bankruptcies is accelerating;

(11) the vast majority of asbestos claims are filed by individuals who—

(A) have been exposed to asbestos;

(B) may have some physical sign of exposure; and

(C) suffer no present asbestos-related impairment;

(12) the cost of compensating exposed persons who are not sick—

(A) jeopardizes the ability of defendants to compensate people with cancer and other serious asbestos-related diseases, now and in the future; and

(B) strains the ability of courts to manage the deluge of cases involving nonimpaired plaintiffs;

(13) an estimated 50,000 to 60,000 workers have lost their jobs as a direct result of asbestos litigation and related bankruptcies of

defendant companies and each displaced worker will, on average, lose between $25,000 and $50,000 in lost wages;

(14) employees of defendant companies declaring bankruptcy (who are often stockholders of those companies) will, on average, lose 25 percent of the value of their retirement investment under section 401(k) of the Internal Revenue Code of 1986 because of lost stock value;

(15) concerns about statutes of limitations can force claimants who have been exposed to asbestos but who have no current injury to bring premature lawsuits in order to protect against losing their rights to future compensation should those claimants become impaired;

(16) consolidations, joinder, and similar procedures, to which some courts have resorted in order to deal with the mass of asbestos cases, can undermine the appropriate functioning of the judicial process and encourage the filing of thousands of cases by exposed persons who are not yet sick and who may never become sick;

(17) the availability of sympathetic forums in States with no connection to the plaintiff or to the exposures that form the basis of a lawsuit has encouraged the filing of thousands of cases on behalf of exposed persons who are not yet sick and may never become sick;

(18) asbestos litigation, if left unchecked by reasonable congressional intervention, will—

(A) continue to inhibit the economy and run counter to plans to stimulate economic growth and the creation of new jobs;

(B) threaten the savings, retirement benefits, and employment of defendants' current and retired employees;

(C) affect adversely the communities in which these defendants operate; and

(D) impair interstate commerce and national initiatives, including national security; and

(19) the public interest and the interest of interstate commerce requires deferring the claims of exposed persons who are not sick in order to—

(A) preserve, now and for the future, defendants' ability to compensate people who develop cancer and other serious asbestos-related injuries; and

(B) safeguard the jobs, benefits, and savings of American workers and the well-being of the national economy.

(b) PURPOSES.—It is the purpose of this Act to—

(1) give priority to those asbestos claimants who can demonstrate actual physical harm or illness caused by asbestos;

(2) fully preserve the rights of claimants who were exposed to asbestos to pursue compensation should those claimants become sick in the future;

(3) enhance the ability of the Federal and State judicial systems to supervise and control asbestos litigation and asbestos-related bankruptcy proceedings; and

(4) conserve the scarce resources of the defendants, and marshal assets in bankruptcy, to allow compensation of cancer victims and others who are physically harmed by exposure to asbestos while securing the right to similar compensation for those who may suffer physical harm in the future.

SEC. 3. DEFINITIONS.

In this Act:

(1) AMA GUIDES TO THE EVALUATION OF PERMANENT IMPAIRMENT.—The term ''AMA Guides to the Evaluation of Permanent Impairment'' means the American Medical Association's Guides to the Evaluation of Permanent Impairment (Fifth Edition 2000).

(2) ASBESTOS.—The term ''asbestos'' includes all minerals defined as ''asbestos'' under section 1910 of title 29 of the Code of Federal Regulations.

(3) ASBESTOS CLAIM.—The term ''asbestos claim''—

(A) means any claim for damages or other relief presented in a civil action or bankruptcy proceeding, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium and any other derivative claim made by or on behalf of any exposed person or any representative, spouse, parent, child or other relative of any exposed person; and

(B) does not include claims for benefits under a workers' compensation law or veterans' benefits program, or claims brought by any person as a subrogee by virtue of the payment of benefits under a workers' compensation law.

(4) ASBESTOSIS.—The term ''asbestosis'' means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos fibers.

(5) CERTIFIED B-READER.—The term ''certified B-reader'' means an individual qualified as a ''final'' or ''B-reader'' under section 37.51(b) of title 42 of the Code of Federal Regulations.

(6) CIVIL ACTION.—The term ''civil action''—

(A) means all suits of a civil nature in Federal or State court, whether cognizable as cases at law or in equity or in admiralty; and

(B) does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(7) EXPOSED PERSON.—The term ''exposed person'' means any person whose exposure to asbestos or to asbestos-containing products is the basis for an asbestos claim.

(8) FEV1.—The term ''FEV1'' means forced expiratory volume in the first second, which is the maximal volume of air expelled in 1 second during performance of simple spirometric tests.

(9) FVC.—The term ''FVC'' means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.

(10) ILO SCALE.—The term ''ILO Scale'' means the system for the classification of chest x-rays set forth in the International Labour Office's Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses (1980) as amended by the International Labour Office.

(11) NONMALIGNANT CONDITION.—The term ''nonmalignant condition'' means any condition that is caused or may be caused by asbestos other than a diagnosed cancer.

(12) PATHOLOGICAL EVIDENCE OF ASBESTOSIS.—The term ''pathological evidence of asbestosis'' means a statement by a Board-certified pathologist that—

(A) more than 1 representative section of lung tissue uninvolved with any other disease process demonstrates a pattern of peribronchiolar or parenchymal scarring in the presence of characteristic asbestos bodies; and

(B) there is no other more likely explanation for the presence of the fibrosis.

(13) PREDICTED LOWER LIMIT OF NORMAL.—The term ''predicted lower limit of normal'' for any test means the fifth percentile of healthy populations based on age, height, and gender, as referenced in the AMA Guides to the Evaluation of Permanent Impairment.

(14) RADIOLOGICAL EVIDENCE OF ASBESTOSIS.—The term ''radiological evidence of asbestosis'' means a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader as at least 1/1 on the ILO scale.

(15) RADIOLOGICAL EVIDENCE OF DIFFUSE PLEURAL THICKENING.—The term ''radiological evidence of diffuse pleural thickening'' means a chest x-ray showing bilateral pleural thickening of at least B2 on the ILO scale and blunting of at least 1 costophrenic angle.

(16) STATE.—The term ''State'' means any State of the United States, 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.

(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 an insurance carrier of that employer, 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 Federal Employer's Liability Act (45 U.S.C. 51 et seq.).

SEC. 4. PHYSICAL IMPAIRMENT.

(a) IMPAIRMENT ESSENTIAL ELEMENT OF CLAIM.—Physical impairment of the exposed person, to which asbestos exposure was a substantial contributing factor, shall be an essential element of an asbestos claim. For purposes of this section, cancer shall be presumed to involve physical impairment.

(b) PRIMA FACIE EVIDENCE OF PHYSICAL IMPAIRMENT.—

(1) IN GENERAL.—No person shall bring or maintain a civil action alleging a nonmalignant asbestos claim in the absence of a prima facie showing of physical impairment as a result of a medical condition to which exposure to asbestos was a substantial contributing factor.

(2) REQUIREMENTS OF PRIMA FACIE SHOWING.—A prima facie showing under this subsection shall include all of the following minimum requirements:

(A) PERMANENT RESPIRATORY IMPAIRMENT RATING.—A determination by a qualified physician, on the basis of a medical examination and pulmonary function testing, that the exposed person has a permanent respiratory impairment rating of at least Class 2 as defined by and evaluated under the AMA Guides to the Evaluation of Permanent Impairment.

(B) DIAGNOSIS.—A diagnosis by a qualified physician of asbestosis or diffuse pleural thickening, based at a minimum on pathological evidence of asbestosis, radiological evidence of asbestosis, or radiological evidence of diffuse pleural thickening.

(C) SUBSTANTIAL CONTRIBUTING FACTOR.—A determination by a qualified physician that asbestosis or diffuse pleural thickening (rather than solely chronic obstructive pulmonary disease) is a substantial contributing factor to the exposed person's physical impairment, based at a minimum on a determination that the exposed person has either—

(i) a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or

(ii) a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader at least 2/1 on the ILO scale.

(c) COMPLIANCE WITH TECHNICAL STANDARDS.—

(1) IN GENERAL.—Evidence relating to physical impairment under this section, including pulmonary function testing and diffusing studies, shall comply with—

(A) the technical recommendations for examinations, testing procedures, quality assurance and quality control, and equipment of the AMA Guides to the Evaluation of Permanent Impairment; or

(B) if the AMA Guides to the Evaluation of Permanent Impairment are not applicable, other authoritative standards.

(2) ADJUSTMENTS.—No adjustments with respect to pulmonary function testing shall be made on the basis of race.

(d) NO PRESUMPTION AT TRIAL.—Presentation of prima facie evidence of asbestos-related impairment meeting the requirements of this section shall not result in any presumption at trial that the exposed person is impaired by an asbestos-related condition, and evidence that the exposed person made a prima facie showing of impairment shall not be admissible at trial.

SEC. 5. PROCEDURES; REMOVAL.

(a) CONSOLIDATION.—A court may consolidate for trial any number and type of asbestos claims with consent of all the parties. In the absence of such consent, the court may consolidate for trial only asbestos claims relating to the same exposed person and members of the household of the exposed person.

(b) VENUE.—

(1) IN GENERAL.—A civil action asserting an asbestos claim may only be brought in the State of the plaintiff's domicile or a State in which there occurred exposure to asbestos that is a substantial contributing factor to the physical impairment on which the claim is based.

(2) INAPPLICABILITY.—Paragraph (1) shall not apply to a claim that—

(A) is based upon an exposed person's cancer; and

(B) is filed by an exposed person who is diagnosed with fatal mesothelioma or other asbestos-related cancer by a qualified physician, resulting in a short life expectancy of less than 3 years after the date on which the claim is filed.

(c) PRELIMINARY PROCEEDINGS.—The plaintiff in any civil action involving an asbestos claim shall file with the complaint or other initial pleading a written report and supporting test results constituting prima facie evidence of the exposed person's asbestos-related impairment meeting the requirements of section 4(b). The defendant shall be afforded a reasonable opportunity to challenge the adequacy of the proffered prima facie evidence of asbestos-related impairment. The plaintiff's claim shall be dismissed without prejudice upon a finding of failure to make the required prima facie showing.

(d) REMOVAL.—

(1) IN GENERAL.—If a State court refuses or fails to apply this section, any party in a civil action for an asbestos claim may remove such action to a district court of the United States in accordance with chapter 89 of title 28, United States Code.

(2) JURISDICTION OVER REMOVED ACTIONS.—The district courts of the United States shall have jurisdiction of all civil actions removed under this subsection, without regard to the amount in controversy and without regard to the citizenship or residence of the parties.

(3) REMOVAL BY ANY DEFENDANT.—A civil action may be removed to the district court of the United States under this subsection by any defendant without the consent of all defendants.

(4) REMAND.—The district court shall remand any civil action removed solely under this subsection, unless the court finds that—

(A) the State court failed to comply with procedures prescribed by law; or

(B) the failure to dismiss by the State court lacked substantial support in the record before the State court.

SEC. 6. STATUTE OF LIMITATIONS; TWO-DISEASE RULE.

(a) STATUTE OF LIMITATIONS.—Notwithstanding any other provision of law, with respect to any nonmalignant asbestos claim not barred on the effective date of this Act, the limitations period shall not begin to run until the exposed person discovers, or through the exercise of reasonable diligence should have discovered, that the exposed person is physically impaired by an asbestos-related nonmalignant condition.

(b) TWO-DISEASE RULE.—An asbestos claim arising out of a nonmalignant condition shall be a distinct cause of action from an asbestos claim relating to the same exposed person arising out of asbestos-related cancer. No damages shall be awarded for fear or risk of cancer in any civil action asserting only a nonmalignant asbestos claim.

(c) GENERAL RELEASES FROM LIABILITY PROHIBITED.—No settlement of a nonmalignant asbestos claim concluded after the date of enactment of this Act shall require, as a condition of settlement, release of any future claim for asbestos-related cancer.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) CONSTRUCTION WITH OTHER LAWS.—This Act shall not be construed to—

(1) affect the scope or operation of any workers' compensation law or veterans' benefit program;

(2) affect the exclusive remedy or subrogation provisions of any such law; or

(3) authorize any lawsuit which is barred by any such provision of law.

(b) CONSTITUTIONAL AUTHORITY.—The Constitutional authority for this Act is contained in Article I, section 8, clause 3 and Article III, section 1 of the Constitution of the United States.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act and apply to any civil action asserting an asbestos claim in which trial has not commenced as of that date.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 57—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. WARNER submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 57

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $3,594,172.

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $6,328,829.

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $2,698,836.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

SEC. 4. The Committee on Armed Services is authorized from March 1, 2003, until otherwise provided by law, to expend not to exceed $10,000 each fiscal year to assist the Senate properly to discharge and coordinate its activities and responsibilities in connection with participation in various interparliamentary institutions and to facilitate the interchange and reception in the United States of members of foreign legislative bodies and prominent officials of foreign governments, foreign armed forces, and intergovernmental organizations.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges or copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004 through February 28, 2005, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 58—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK BEGINNING JUNE 1, 2003, AS ''NATIONAL CITIZEN SOLDIER WEEK''

Mr. ALLEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 58

Whereas members of the National Guard and the other reserve components of the Armed Forces perform a vital role in the defense of the United States;

Whereas members of the National Guard and the other reserve components of the Armed Forces make significant personal sacrifices in performing military service when called to active duty; and

Whereas there are over 100,000 members of the National Guard and the other reserve components of the Armed Forces serving on active duty: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CITIZEN SOLDIER WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning June 1, 2003, as ''National Citizen Soldier Week''.

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

(1) designating the week beginning June 1, 2003, as ''National Citizen Soldier Week''; and

(2) calling on the people of the United States to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 59—CONGRATULATING THE UNIVERSITY OF PORTLAND WOMEN'S SOCCER TEAM FOR WINNING THE 2002 NCAA DIVISION I NATIONAL CHAMPIONSHIP

Mr. WYDEN (for himself and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 59

Whereas, on December 8, 2002, the University of Portland women's soccer team captured its first ever undisputed collegiate national soccer championship;

Whereas the 2002 National Collegiate Athletic Association Division I title is the first championship in any sport for the University of Portland;

Whereas the University of Portland Pilots' 20–4–1 record in 2002 tied the record for wins in a season in University of Portland women's soccer history;

Whereas head coach Clive Charles, the University of Portland director of women's and men's soccer, has successfully built a nationally recognized collegiate soccer program, leading the University of Portland women's and men's teams to a collective 12 conference championships and 16 NCAA playoff berths and producing players for the United States National and Olympic teams;

Whereas, on the way to the national championship, the Pilots defeated 7 nationally ranked opponents, which included a 2–1 title game triumph over the reigning champion, Santa Clara University;

Whereas the Pilots, the tournament's number 8 seed, now hold the record as the lowest-seeded team to win the national title in the women's national championship 21-year history;

Whereas sophomore Christine Sinclair set an NCAA tournament record with 21 points on 10 goals and 1 assist;

Whereas each player, coach, trainer, and manager dedicated time and effort to ensuring that the Pilots reached the pinnacle of team achievement; and

Whereas the students, alumni, faculty, and supporters of the University of Portland are to be congratulated for their commitment and pride in the Pilots' women's soccer program: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship and recognizes the achievements of all the players, coaches, and support staff who were instrumental in this accomplishment; and

(2) directs the Secretary of the Senate to make available copies of this resolution to the University of Portland for appropriate display and to transmit a copy of the resolution to each coach and member of the 2002 University of Portland women's soccer team.

SENATE CONCURRENT RESOLUTION 5—EXPRESSING THE SUPPORT FOR THE CELEBRATION IN 2004 OF THE 150TH ANNIVERSARY OF THE GRAND EXCURSION OF 1854

Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. KOHL, Mr. COLEMAN, Mr. FEINGOLD, and Mr. HARKIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 5

Whereas reaching the shores of the Mississippi River represented a major milestone for the westward expansion of the system of railroad infrastructure that began on the East Coast in the 1830s;

Whereas in 1854 the Chicago and Rock Island Railroad became the first railroad to reach the Mississippi River and that achievement was celebrated with a combined railroad and riverboat trip known as the ''Grand Excursion of 1854'';

Whereas the Grand Excursion of 1854 began in Chicago with a gathering of more than 1,000 dignitaries from professions encompassing the fields of government, education, business, journalism, and the arts, and included most prominently former United States President Millard Fillmore;

Whereas the excursion party of 1854 traveled from Chicago, Illinois, to Rock Island, Illinois, by train and then proceeded by boat from Rock Island to the present-day twin cities of Minneapolis, Minnesota, and St. Paul, Minnesota;

Whereas the Grand Excursion of 1854 is credited both with bringing the upper Mississippi Valley into the national spotlight and with solidifying Chicago's role as a major transportation hub;

Whereas communities located on the 419 mile stretch between Rock Island and Minneapolis are investing more than $5,000,000,000 in recreational, commercial, and environmental improvements to prepare for the celebration of the Grand Excursion in 2004;

Whereas an educational program in Illinois, Iowa, Wisconsin, and Minnesota will bring the history of the Mississippi River to life for thousands of students from kindergarten through 12th grade and will focus on the recreational, environmental, and commercial importance of the river;

Whereas the Grand Excursion celebration of 2004 will establish a series of permanent exhibits throughout the upper Mississippi River, recognizing the achievements of the many communities and celebrating the history of the Mississippi River;

Whereas the Grand Excursion, through its local, regional, national, and international marketing programs and initiatives, will communicate to the world the incredible attributes of the upper Mississippi River and will invite hundreds of thousands of visitors to the region to celebrate;

Whereas the National Park Service, along with other Federal, State, and local agencies and many other interested groups, is preparing activities to celebrate the sesquicentennial of the Grand Excursion in 2004, to educate local residents and visitors about the attributes of the river, and to commemorate the occasion by establishing future traditions that will improve community connections to the river; and

Whereas Grand Excursion, Inc. is organizing and coordinating the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854: Now, therefore, be it

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

(1) expresses its support for the work of all the Federal, State, and local entities, and the work of all interested groups that are preparing sesquicentennial activities to celebrate the 150th anniversary of the Grand Excursion of 1854;

(2) expresses its support for the events to be held in observance of the Grand Excursion of 1854 in Chicago, Rock Island, Moline, and Galena, Illinois, in Davenport, Clinton, and Dubuque, Iowa, in Prairie du Chien and La Crosse, Wisconsin, in Wabasha, Winona, Red Wing, Saint Paul, and Minneapolis, Minnesota, and in many other communities during the sesquicentennial observance; and

(3) calls on the President of the United States, the Secretary of Education, the Secretary of the Interior, the Secretary of Defense, the Assistant Secretary of the Army, the Director of the National Park Service, the Director of the United States Fish and Wildlife Service, other public officials, and the citizens of the United States to support, promote, and participate in the many sesquicentennial activities being planned to commemorate the Grand Excursion of 1854.

Mr. GRASSLEY. Mr. President, I am pleased to submit a resolution, with my colleagues representing the Upper Mississippi River, expressing our support for the celebration in 2004 of the 150th Anniversary of the Grand Excursion.

In 1854, the Chicago and Rock Island Railroad became the first railroad to reach from the East Coast to the Mississippi River. To celebrate, Henry Farnam, a contractor for the railroad, organized an excursion for friends, family, and stockholders. Word about this event spread quickly and a group of 1,200 people, including former President Millard Fillmore, traveled by steamboat from Rock Island, IL to St. Paul, MN.

This grand excursion turned into an opportunity to show influential persons of the day the remarkable beauty, numerous resources, and the unlimited opportunities that the Mississippi River and the West could provide. This excursion brought millions of dollars of investment to the area and positioned the Upper Mississippi region as a dominant force in the development of the nation in the 19th century.

Once again, the Grand Excursion is an opportunity to highlight the recreational, commercial, and environmental opportunities the river provides, as well as celebrate the renaissance of the Upper Mississippi River region. Over 50 communities, 23 regional organizations, and 4 states are joining together to make this celebration a reality.

For the past 10–15 years, communities in Iowa, Wisconsin, and Minnesota have been working together to reclaim their relationship with the Mississippi River and reestablish vibrant riverfront communities. Planning for the celebration has been a catalyst for over $5 billion in capital improvements and environmental initiatives along the river.

In Iowa, communities such as the Quad Cities, Dubuque, and Clinton have all rallied together to make their riverfronts engines for economic development. The Quad Cities are the kick-off site for the Grand Flotilla taking place in June of 2004. Dubuque is the home of the National Mississippi River Museum and Aquarium, as well as the home dock of the Audubon Ark. All of the participating Iowa cities have welcoming marinas, main streets, and fun events planned for the celebration. I am honored to be a partner with these dynamic communities.

Through the Grand Excursion 2004, hundreds of thousands of citizens will experience America's River, a matchless national treasure, through community festivities, educational events, enhanced recreation opportunities, and cultural programs. Those who are unable to participate first-hand in the celebrations will be able to experience the excitement through a first-class website and educational Exploration Trunks that will be provided with curriculum to classrooms around the country.

I hope that you will join me in supporting this resolution of America's celebration of the Upper Mississippi River: Grand Excursion 2004.

SENATE CONCURRENT RESOLUTION 6—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED IN HONOR OF DANIEL "CHAPPIE" JAMES, THE NATION'S FIRST AFRICAN-AMERICAN FOUR-STAR GENERAL

Ms. LANDRIEU submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 6

Whereas General Daniel "Chappie" James was a dedicated patriot fighting to defend the United States against foreign enemies while breaching the walls of segregation that existed at the time within the United States Armed Forces;

Whereas General James learned to fly while attending the Tuskegee Institute in Tuskegee, Alabama;

Whereas General James was commissioned in the United States Army Air Corps in January 1943;

Whereas General James was a member and trainer of the famed Tuskegee Airmen, the all-black fighter squadron that successfully executed over 200 dangerous missions escorting American bombers over Europe in World War II without losing a single bomber;

Whereas General James bravely flew 101 combat missions over Korea;

Whereas General James courageously and valiantly flew 78 missions into North Vietnam, including leading the Bolo MiG sweep which destroyed seven North Vietnamese MiG-21s, the highest total kill of any one Air Force mission during the Vietnam War;

Whereas General James, as a brigadier general, was named Deputy Assistant Secretary of Defense for Public Affairs in 1970;

Whereas General James was promoted to the rank of General and Commander-in-Chief of the North American Aerospace Defense Command (NORAD) in 1975 to become the first African-American four-star general in any of the United States Armed Forces; and

Whereas the issuance of a postage stamp recognizing General James' service and commitment to the United States as well as equality for all Americans will broaden the Nation's knowledge of his achievements and those of the Tuskegee Airmen, his contributions toward destroying racial divisions, and his status as a role model for Americans of all ethnic and racial backgrounds: Now, therefore, be it

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

(1) it is the sense of Congress that a postage stamp should be issued by the United States Postal Service in honor of General Daniel "Chappie" James; and

(2) Congress directs the Secretary of the Senate to transmit a copy of this concurrent resolution to the Postmaster General and the Citizens' Stamp Advisory Committee.

Ms. LANDRIEU. Madam President, I rise today in celebration of Black History Month and a true American hero, General Daniel "Chappie" James, Jr. To commemorate Daniel "Chappie" James' life, I submit a resolution, today, to create a postage stamp in his honor. General James was a patriot for his country and broke down racial walls in the Armed Forces for all people of color. Not only was General James the first African American four-star general in the Air Force, but he was the first African American four-star general in any service. Regrettably, too few Americans know of his heroism and contributions to the United States.

General James dedicated his career to the defense of the United States and improving the plight of Blacks in the military. "Chappie" James learned to fly as a student at the Tuskegee Institute in Alabama. In 1943 he was commissioned in the segregated U.S. Army Air Corps. He was a member and trainer of the famed Tuskegee Airmen. Due to harsh prejudice, White officers doubted Blacks could be competent pilots, but the Tuskegee Airmen answered all critics by remarkably executing over 200 dangerous escort missions for American bombers during World War II without losing a single bomber. Following World War II, General James flew 179 fighter missions over Korea and North Vietnam. He commanded the Bolo MiG sweep over North Vietnam which destroyed seven North Vietnamese MiG–21s—the highest total kill of any one Air Force mission during the Vietnam War.

Throughout his life in the Air Force, Chappie James continued to break the color barrier. It was not an easy task, as it was fraught with road blocks. Nevertheless, General James pressed on to become a Brigadier General and the Deputy Assistant Secretary of Defense for Public Affairs in 1970. In 1975, Daniel James achieved the rank of General and was named chief-of-staff of the North American Aerospace Defense Command.

General James never forgot the struggles he faced as a Black man in the United States military, but his love for America never wavered. General James sought to right the wrongs he encountered, not run from them. In summation of his 35 years in the Air Corps and Air Force, he said, "I've fought in three wars and three more wouldn't be too many to defend my country. I love America and as she has weaknesses or ills, I'll hold her hand." General James spent a life-time in service to his country and curing her of her weakness and ills. We should aspire to the same and continue his fight for equality.

To commemorate General James' life, I am submitting a resolution, today, to create a postage stamp in his honor. I hope my colleagues will support this measure and join me paying tribute to a great American.

SENATE CONCURRENT RESOLUTION 7—EXPRESSING THE SENSE OF CONGRESS THAT THE SHARP ESCALATION OF ANTI-SEMITIC VIOLENCE WITHIN MANY PARTICIPATING STATES OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) IS OF PROFOUND CONCERN AND EFFORTS SHOULD BE UNDERTAKEN TO PREVENT FUTURE OCCURRENCES

Mr. CAMPBELL (for himself, Mr. SMITH, and Mrs. CLINTON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 7

Whereas the expressions of anti-Semitism experienced throughout the region encompassing the participating States of the Organization for Security and Cooperation in Europe (OSCE) have included physical assaults, with some instances involving weapons or stones, arson of synagogues, and desecration of Jewish cultural sites, such as cemeteries and statues;

Whereas vicious propaganda and violence in many OSCE States against Jews, foreigners, and others portrayed as alien have reached alarming levels, in part due to the dangerous promotion of aggressive nationalism by political figures and others;

Whereas violence and other manifestations of xenophobia and discrimination can never be justified by political issues or international developments;

Whereas the Copenhagen Concluding Document adopted by the OSCE in 1990 was the first international agreement to condemn anti-Semitic acts, and the OSCE participating States pledged to "clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia, and discrimination against anyone as well as persecution on religious and ideological grounds";

Whereas the OSCE Parliamentary Assembly at its meeting in Berlin in July 2002, unanimously adopted a resolution that, among other things, called upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions, and judicial proceedings;

Whereas Decision No. 6 adopted by the OSCE Ministerial Council at its Tenth Meeting held in Porto, Portugal in December 2002 (the "Porto Ministerial Declaration") condemned "the recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom";

Whereas the Porto Ministerial Declaration also urged "the convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism, and xenophobia"; and

Whereas on December 10, 2002, at the Washington Parliamentary Forum on Confronting and Combating anti-Semitism in the OSCE Region, representatives of the United States Congress and the German Parliament agreed to denounce all forms of anti-Semitism and agreed that ''anti-Semitic bigotry must have no place in our democratic societies'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) officials of the executive branch and Members of Congress should raise the issue of anti-Semitism in their bilateral contacts with other countries and at multilateral fora, including meetings of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) and the Twelfth Annual Session of the OSCE Parliamentary Assembly to be convened in July 2003;

(2) participating States of the OSCE should unequivocally condemn anti-Semitism (including violence against Jews and Jewish cultural sites), racial and ethnic hatred, xenophobia, and discrimination, as well as persecution on religious grounds whenever it occurs;

(3) participating States of the OSCE should ensure effective law enforcement by local and national authorities to prevent and counter criminal acts stemming from anti-Semitism, xenophobia, or racial or ethnic hatred, whether directed at individuals, communities, or property, including maintaining mechanisms for the thorough investigation and prosecution of such acts;

(4) participating States of the OSCE should promote the creation of educational efforts throughout the region encompassing the participating States of the OSCE to counter anti-Semitic stereotypes and attitudes among younger people, increase Holocaust awareness programs, and help identify the necessary resources to accomplish this goal;

(5) legislators in all OSCE participating States should play a leading role in combating anti-Semitism and ensure that the resolution adopted at the 2002 meeting of the OSCE Parliamentary Assembly in Berlin is followed up by a series of concrete actions at the national level; and

(6) the OSCE should organize a separately designated human dimension event on anti-Semitism as early as possible in 2003, consistent with the Porto Ministerial Declaration adopted by the OSCE at the Tenth Meeting of the OSCE Ministerial Council in December 2002.

Mr. CAMPBELL. Mr. President, I am pleased to submit Senate Concurrent Resolution 7, expressing the sense and concern of the Congress regarding the recent spike in anti-Semitic violence that occurred in many participating States of the 55-nation Organization for Security and Cooperation in Europe, OSCE. It is incumbent upon us to send a clear message that these malicious acts are a serious concern to the United States Senate and American people and that we will not be silent in the face of this disturbing trend.

The anti-Semitic violence we witnessed in 2002, which stretched the width and breadth of the OSCE region, is a wake-up call that this old evil still lives today. Coupled with a resurgence of aggressive nationalism and an increase in neo-Nazi ''skin head'' activity, myself, and other Commissioners on the Helsinki Commission, have diligently urged the leaders of OSCE participating States to confront and combat the evil of anti-Semitism. Attacks on members of the Jewish community and their institutions have ranged from shootings, fire bombings, and physical assaults in places as different as London, Paris, Berlin and Kiev. Vandals have struck in Brussels, Marseilles, Bratislava, and Athens. Anti-Semitic propaganda has been spread in Moscow, Minsk and elsewhere as hatemongers have tapped into technology, including the internet, to spread their venom. Yet while we witnessed a significant rise in violence last year in Europe, acts of vandalism have also occurred in the United States, so with encouraging our colleagues in other parliaments to act, we must be mindful that no country is immune.

As OSCE participating States, all member nations, including the United States, have pledged to unequivocally condemn anti-Semitism and take effective measures to protect individuals from anti-Semitic violence. Through the OSCE, which was the first multilateral institution to speak out against anti-Semitism, all of today's member states share in that heritage. Thankfully, many OSCE states that I mentioned have responded appropriately, vigorously investigating the perpetrators and pursuing criminal prosecution. In short, manifestations of anti-Semitism must not be tolerated, period, regardless of the source.

As Co-Chairman of the Commission on Security and Cooperation in Europe, I can report that the OSCE Proto Ministerial Council, through the persistent efforts of the United States, addresses the phenomenon of anti-Semitism and called for the convening of a meeting specifically focused on this timely issue. I introduce this resolution to put the United States Senate on record and send an unequivocal message that anit-Semitism must be confronted, and it must be confronted now. If anti-Semitism is ignored and allowed to grow, our societies and our civilizations will suffer. As the resolution sets forth, elected and appointed leaders should meet the challenge of anti-Semitic violence through public condemnation, making clear their societies have no room for such attacks against members of the Jewish community of their institutions.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, February 27 at 3:00 p.m. in Room SD–366.

The purpose of this hearing is to receive testimony on S. 246, a bill to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico; S. 32, a bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West; S. 203, a bill to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining; S. 278, a bill to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364, Washington, D.C. 20510–6150.

For further information, please contact: Dick Bouts (202–224–7545) or Jared Stubbs (202–224–7556).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANTORIUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 13, 2003, at 9:30 a.m., in open session to receive testimony on the defense authorization request for fiscal year 2004 and the future years defense program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORIUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, February 13, 2003, at 9:30 a.m. on USOC reforms.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORIUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, February 13, 2003, at 2:30 p.m. on infrastructure needs of minority serving institutions.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORIUM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 13 at 10:00 a.m. to consider the President's proposed FY 2004 Budget for the Forest Service.

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