

allow us to go to conference. It is in our workers' best interest. Indeed, it is in America's best interest.

#### ASBESTOS LITIGATION

Mr. FRIST. Mr. President, this is a matter I have referred to on several occasions in the last several weeks. In fact, I referred to it last Friday; that matter being that we have an asbestos litigation crisis that is brewing today. It is a crisis we in Congress have a responsibility to fix. That is the assessment of the Supreme Court which on two occasions has in essence said the system is broken and Congress has the responsibility to fix it.

I rise to reiterate my goal to resolve this asbestos litigation crisis and also to announce that we will file a revised bill later this week so people and all of our colleagues will have the opportunity to look at what is in the bill and study what is in the bill itself. We have made tremendous progress toward enacting Chairman HATCH's Fairness in Asbestos Injury Resolution Act; we call it the FAIR Act. I, as majority leader, have made all of this a personal priority in the sense that I want the Senate to be able to address and resolve this issue.

Indeed, the magnitude of the asbestos litigation crisis is staggering. The torrent of asbestos litigation has wreaked havoc on victims, on American jobs, and indeed on our economy. The 600,000 claims that have been filed have already cost \$54 billion in settlements and judgments and litigation costs. And even with the billions already being spent, the asbestos tort system today has become nothing more than a litigation lottery. A few victims receive adequate compensation, but far more suffer long delays for unpredictable and indeed inequitable awards if they receive anything at all. It is a system today with only one real consistent winner, and that is the plaintiffs' trial lawyers, who, I should add, by the way, are taking home half of every dollar that is awarded to the victims.

The system is broken. We have the responsibility—in fact this body, the Congress, has the obligation and the responsibility—to fix this broken system.

As I mentioned, we will be introducing the revised bill later this week and giving Members substantial time to review the changes we are proposing that came out of the committee. We have made real progress toward closing the gaps that separated the insurers from the defendant companies, from organized labor. Chairman HATCH, the minority leader, Senators LEAHY, DODD, and SPECTER, and many others have invested heavily in reaching consensus on many of these issues.

I hope my colleagues will very carefully consider what is in this bill and engage in meaningful debate. Member after Member from both sides have voiced their agreement with that as-

essment by the Supreme Court, that the system is broken and Congress has the responsibility to fix it. With the help of my colleagues I am confident we can fix it. As I have outlined many times in the Senate, we have a process whereby we can consider that bill and bring it to the floor and indeed fix it.

#### CONCLUSION OF MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is closed.

#### JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT—Resumed

Mr. FRIST. Mr. President, I ask for the regular order with respect to S. 1637.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1637) to amend the Internal Revenue Code of 1986 to comply with World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

Pending:

Harkin Amendment No. 2881, to amend the Fair Labor Standards Act of 1938 to clarify provisions relating to overtime pay.

McConnell (for Frist) Amendment No. 2886, in the nature of a substitute.

Grassley Amendment No. 2898 (to the instructions (Amendment No. 2886) of the motion to recommit), relative to the effective date following enactment of the Act.

Grassley Amendment No. 2926 (to Amendment No. 2898), relative to the effective date following enactment of the Act.

Mr. FRIST. Mr. President, I ask unanimous consent to withdraw the pending motion to recommit.

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

MOTION TO RECOMMIT WITH AMENDMENT NO. 3011

Mr. FRIST. I now move to recommit the bill with the instructions to report back forthwith with an amendment which is at the desk, and I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] moves to recommit S. 1637 to the Committee on Finance with instructions to report back forthwith with the following amendment numbered 3011.

(The amendment is printed in today's RECORD under "Text of Amendments.")

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the pending 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 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 pending motion to Calendar No. 381, S. 1637.

Bill Frist, Charles Grassley, Gordon Smith, James Talent, John Ensign, John Cornyn, Wayne Allard, Olympia Snowe, Rick Santorum, Michael B. Enzi, Mike DeWine, Trent Lott, Christopher Bond, Thad Cochran, Kay Bailey Hutchison, Jim Bunning, Mitch McConnell.

AMENDMENT NO. 3012

Mr. FRIST. I now send a first-degree amendment to the instructions to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3012 to the instructions of the motion to recommit S. 1637 to the Committee on Finance.

Mr. FRIST. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the instructions, insert the following:

SEC. . This act shall become effective 1 day after enactment.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3013 TO AMENDMENT NO. 3012

Mr. FRIST. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3013 to amendment No. 3012.

Mr. FRIST. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment strike "1 day" and insert "2 days".

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

#### ADDITIONAL STATEMENTS

#### HONORING CORPORAL THOMAS ROBERTS

• Mr. BAYH. Mr. President, I rise today with great sadness and tremendous gratitude to honor the life of a

brave law enforcement officer from Mishawaka. Corporal Thomas Roberts was only 43 years old when his life was taken from him in an instant. He died during the predawn hours of December 13, 2003 in Mishawaka, while responding to a "shots fired" call. He was hit by the assailant's gunfire and died at the scene. As a 14-year veteran of the Mishawaka Police Department, Tom was a respected police officer who protected community members and fought for the values we all hold close to our hearts.

Tom Roberts was the second officer killed that night while dutifully serving his city. Today, I join Tom's family, friends, and the entire Michiana community in mourning Tom's death. While our pride in Tom shall certainly live on, so, too, will our sorrow.

After working for 10 years at Ladig, Inc., Tom attended the Plainfield Police Academy and joined the Mishawaka Police Department in 1989. On or off the job, he treated everyone he met with respect and dignity. As a caring and concerned man, Tom always reached out to help others in any way he could. His respected career is a testament to his commitment to hard work and willingness to help others.

Tom graduated from Mishawaka High School where he was a member of the football team. Tom had a lifelong love of football and was an avid Notre Dame football fan. He especially enjoyed going to the games with his family and friends and collecting sports memorabilia.

Tom leaves behind his loving fiancée, Debbie McGinnis; his daughters, Lindsay, Holly, and Ashley; his son, Larry Peak; his mother, Francelia; brothers, Larry and Gary; and his sisters, Ann Marie, Celia Dillon, Peggy Boyd, and Lisa. His father, John E. Roberts, and his brother, John, preceded Tom in death.

While Tom's life on Earth has been cut short, his bravery and strength of character will live on. May his life serve as a clear reminder of the risks taken each day by law enforcement officers across the Nation who keep our cities and towns safe.

It is my sad duty to enter the name of Corporal Thomas Roberts in the official record of the United States Senate for his dedication to public service, as well as his profound commitment to serve and protect. When I think about the daily sacrifices and risks that our law enforcement officers take each day, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Tom's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God bless the United States of America.●

THE 2004 NATIONAL FINAL, WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION

● Mr. AKAKA. Mr. President, I am proud to announce that the class from Kahuku High School of Kahuku, HI, will represent the State of Hawaii at the national finals of We the People: The Citizen and the Constitution. These Hawaii students will join the more than 1,200 students from across the country that will visit Washington, DC, to take part in the We the People national competition to be held during the first week of May. These outstanding students, through their knowledge of the U.S. Constitution, won Hawaii's statewide competition and earned the chance to come to our Nation's Capital and compete at the national level.

The We the People program is administered by the Center for Civic Education and is an extensive educational program developed specifically to educate young people about the U.S. Constitution and Bill of Rights. The 3-day competition is modeled after hearings in the U.S. Congress and provides students with the opportunity to demonstrate their knowledge before a panel of adult judges while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by questions designed to probe the students' depth of understanding and ability to apply their constitutional knowledge.

I would like to recognize the following 25 Kahuku students that will be representing the State of Hawaii: Samuel Braden, Chelsey Bunker, Stacia Colton, Brian Craycroft, Tusi Esera, Lacey Golonka, Evelyn Griffin, Reis Harney, Celesta Hubner, Jeremy James, Natalie Kamauoha, Jennifer Kamiya, Azura Iversen-Keahi, Tiffany Lee, Brook McArthur, Donna Ramos, Leilani Relator, Alicia Reidy, Aaron Rillamas, Jordan Williams, Austin Spring, Ian Tapu, Alexandra Thompson, Rachel Tolleson, and Seini Unga. I would especially like to thank their teacher, Ms. Sandra Cashman, for once again seizing this opportunity to empower and educate students about the significance of the American institutions of constitutional democracy. I am confident that the students will step up to the challenges presented in this competition and they will give a stellar performance.

As one who formerly taught at Kahuku High School, I take a special pride in these students' accomplishments. I know that it is because of school and parental support, dedication, and commitment that these students were empowered and encouraged to excel in this arena. I wish these students the best of luck at the We the People national finals and applaud their achievement. These students have no doubt made everyone in their school, their families, and their friends proud of what they have achieved. We should all be proud that they are learn-

ing and advocating the fundamental ideas that identify us as a people and bind us together as a nation. Let the students' enthusiasm and active participation in shaping their understanding of government serve as a model for all citizens to follow.●

#### HONORING THE LIFE OF TOWN MARSHAL RICHARD M. CLAPP

● Mr. BAYH. Mr. President, I rise today with a heavy heart and a deep sense of gratitude to honor one of Indiana's finest, Richard Mark Clapp, the New Richmond Town Marshal who lost his life in the line of duty on December 5, 2003.

Mark Clapp and his son, Aaron, were responding to a domestic dispute in New Richmond. Aaron, a county jail officer, waited in the patrol car as his father accompanied the suspect into the home. Once inside the home, Mark Clapp became engaged in a struggle with the suspect and suffered a fatal heart attack. He was 45 years old.

As Town Marshal, Mark Clapp devoted his life to selfless service for his community. He served as the New Richmond Town Marshal for 22 years. His desire to help people and defend what is right and just in our society was apparent to everyone in his passion for serving as Town Marshal. Mark never missed an opportunity to learn more about law enforcement and how to better protect his community.

Born on April 7, 1958, in Greencastle, Mark Clapp graduated from Mt. Comfort High School and attended Vincennes University. On November 18, 1978, he married Debbie Zentko. Mark and Debbie enjoyed 25 years of marriage and were the proud parents of their only child. Mark is survived by his mother Patricia; his father, Joseph; his wife, Debbie; his son, Aaron; and his two brothers.

Mark Clapp was a dedicated family man and public servant. He touched many lives over the course of his career and will be remembered as a loving husband, father, and community leader.

It is my sad duty to enter the name of Richard Mark Clapp in the official record of the United States Senate for his service to the State of Indiana and the community of New Richmond. His commitment to protecting and serving the public will not soon be forgotten. As Mark is laid to rest, let us never forget the courage and sacrifice he laid down on December 5, 2003.

When I think about the daily sacrifices and risks that our law enforcement officers take each day, and the unfortunate pain that comes with the loss of our heroes, I hope families like Mark's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God bless the United States of America.●