

right to peacefully assemble, the right to be treated equally under the law, the right to stand for election and cast a ballot secretly, the right to privacy, and the right to a fair, public and speedy trial. We have removed many barriers in the Iraqi society and allowed women to finally play a role in every day life—including the new Iraqi government.

To abandon our mission in Iraq today would undermine all we have accomplished up until now. We would leave behind a devastating breeding ground for terrorists. More importantly, it would give the insurgents in Iraq reason to believe they have won—that they finally succeeded in driving us out and halting the process of peace. The recent surge of violence in Iraq is not indicative of failed policy—rather it is proof that terrorists see freedom arriving there—and it terrifies them. Just recently I read of that fear firsthand in a memo written by captured al Qaeda operative Zarqawi. Concerned that the Mujahidin may lose its footing in Iraq he wrote:

There is no doubt that our field of movement is shrinking and the grip around the throat of the Mujahidin has begun to tighten. With the spread of the Army and the police, our future is becoming frightening.

The very idea of freedom incites fear in the hearts of terrorists across the world. Insurgents from Syria, Libya, Iran and other countries continue to cling to the fruitless hope that their violence will force the coalition forces out and allow the eradicated reign of terror back in. They don't just hate freedom—they fear it. These terrorist cells infiltrating Iraq know that the introduction of democracy and peace in the Middle East is only the beginning of the annihilation of terrorism worldwide.

The accomplishments are many, and the truth is the liberation of Iraq is just one battle in the war on terror. The process of creating a democracy and turning the government over to an entire new governing council will take time. But we are a nation of our word. President George Bush has told the world that we would return power to the Iraqi people on June 30, and we intend to stick to that deadline. Our desire is to restore sovereignty to the people of Iraq—and ensure peace and stability in the transfer. To abandon Iraq prior to either of those goals being accomplished would be a failed mission—and that simply is not an option.

While it is important to note the administration's successes in Iraq, Americans should also be aware that our actions in Iraq have made us safer here in the U.S. President Bush recognized that in order to contain the growing threat of terrorism from Iraq we had to eliminate it at its source. Our President chooses to allow the war on terror to be fought in Kabul and Baghdad, rather than Washington, DC, or New York. As he so boldly explained just recently, his desire was not to stand idly by. He said:

I made a pledge to this country; I will not stand by and hope for the best while dangers gather. I will not take risks with the lives and security of the American people. I will protect and defend this country by taking the fight to the enemy.

I applaud our administration for carrying out their mission in Iraq so effectively. Our role in Iraq has brought about freedom to 50 million Iraqis and Afghans and underscored America's character in keeping our word. Former secretary of State George Shultz said it best this week when he wrote:

Above all, and in the long run, the most important aspect of the Iraq war will be what it means for the integrity of the international system and for the effort to deal effectively with terrorism. The stakes are huge and the terrorists know that as well as we do. That is the reason for their tactic of violence in Iraq. And that is why, for us and for our allies, failure is not an option. The message is that the U.S. and others in the world who recognize the need to sustain our international system will no longer quietly acquiesce in the take-over of states by lawless dictators who then carry on their depredations—including the development of awesome weapons for threats, use or sale . . . September 11 forced us to comprehend the extent and danger of the challenge. We began to act before our enemy was able to extend the consolidate his network.

The war on terror will not easily be won, but America is up to the task. May God bless our brave men and women in uniform fighting for democracy and freedom—and God bless this land of the free, America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. There remain 3½ minutes.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak up to 10 minutes.

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

ASBESTOS LEGISLATION

Mr. SPECTER. Mr. President, I have sought recognition to comment on the issue of asbestos, the legislation which is about to be called to the Senate floor, offered by the distinguished chairman of the Judiciary Committee, the senior Senator from Utah. The Judiciary Committee reported out a prior bill in July of last year, and it was supported largely along party-line votes. One Democrat joined in the vote to send it out of committee, and I supported the vote to send the bill to the floor, having stated a number of concerns I had on specific provisions.

In August, during the August recess, I enlisted the aid of the former Chief Judge of the Court of Appeals for the Third Circuit, Judge Edward R. Becker, who had taken senior status preceding May 5. For 2 days, in Judge Becker's chambers, he and I met with representatives of the manufacturers, the insurers, the reinsurers, the AFL/CIO, and

the trial lawyers, starting to go through a wide range of issues. Since that time, we have met on 18 occasions in my office here in the Hart Building, virtually every week, with those representatives, and they had meetings in between.

During the course of our extensive discussions, we have come to significant agreements on streamlining the administrative process, early startup, defining the exigent health claims, moving through the language on judicial review, and dealing with the issue of medical monitoring. A good number of those provisions were inserted in a new bill introduced by Senator HATCH and Senator FRIST on April 7. The majority leader has listed the asbestos bill on a number of occasions, and each time has deferred it pending the negotiations which have been in process and I think are making good progress.

I have attended all of these meetings. They have lasted, most of them, for several hours supplementing the 2 days in Judge Becker's chambers, which were both all-day events. All the parties have been very, very cooperative. The manufacturers have talked to the AFL/CIO. In between, meetings have been had with the AFL/CIO. The trial lawyers have been cooperative. There is no doubt that some among the trial lawyers may feel they have some contrary interests. I think there has been an overall view—clearly by the trial lawyers and the AFL-CIO—that there are many injured people who have suffered from mesothelioma, which is a deadly ailment, who are not being compensated because their companies were bankrupt. In excess of 70 companies have gone bankrupt. There are hundreds of thousands of claims and there are numerous parties who have been named as defendants. The specific statistics are that the number of claims is now over 600,000. There are 8,500 companies which have been named as defendants. As I say, more than 70 companies have been bankrupt.

The courts have held that someone is entitled to compensation for exposure to asbestos even though the injuries are not yet demonstrable; that even though the injuries are speculative, a jury may return a verdict based on what injuries may be sustained. That decision was made by the Supreme Court of the United States. That stands at the same time the people who have mesothelioma, which is a deadly disease, are not compensated.

So it is a very serious matter on all ends: On the end of the claimants who are not being compensated because the companies are bankrupt; on the end of companies which have gone bankrupt spending a lot of money on litigation.

When a request is made, when legislation is structured to give up the right to jury trial, that is a very serious matter with our common law tradition for right to trial by jury, a right which is specified in the seventh amendment to the U.S. Constitution, the right to jury trial in a civil case. We are dealing with very weighty matters. We

have established a scale of compensation, a schedule which is patterned along the lines of workers' compensation, but there are very weighty matters to be considered.

It is my thinking that a cloture vote this week would be counterproductive. I understand the thinking to the contrary, that a cloture vote may put some pressure on the parties to move forward. There are many on both sides of the aisle who want a bill. I see the distinguished junior Senator from Delaware having risen. He probably wants to make some comments but is waiting patiently, or impatiently, but at least waiting. Senator DASCHLE has been a participant. His people have been in these discussions. Senator LEAHY, of course, the ranking Democrat, has been an active participant, and Senator DODD has been. Senator CARPER keeps calling over the weekend, concerned about these matters. Senator HATCH has been a leader, having constructed the idea of the trust fund and having gotten \$104 billion in it initially. That figure may be up to \$114 billion. Senator HATCH commented about the legislation reported out, if I am incorrect—Senator HATCH is in the Chamber and can correct me—at \$139 billion. So there are a lot of people who want a bill.

Some of the thinking is if there is a cloture vote it will put people on record, people whose constituencies would like to see a bill, who may not want to vote against cloture, so there may be that pressure.

My own view is progress has been made. I can represent emphatically that these are very complex issues. Judge Becker was the judge who wrote the opinion on the class action case brought on asbestos several years ago. His opinion was upheld by the Supreme Court. He is very knowledgeable in the field. He happens to be the winner of the outstanding jurist award among Federal judges, about 1,000 judges. He really knows the field.

I have had substantial experience in litigation and legislation and have examined these complex issues and say emphatically that there has been no dawdling. Progress has been made on the complex issues, as much as could be made, at the meetings presided over by Judge Becker and myself and meetings in between time.

So my view is a cloture vote is premature. Earlier today the majority leader in the Senate talked to Senator DASCHLE and raised the possibility about a delay but not committed to a delay. His inclination, fairly stated, is to go ahead with a cloture vote unless there can be some good reason there will be a way to expedite negotiations.

Judge Becker has some commitments this week which he cannot break, but he is available part of the week and is available all of next week. I have a commitment next Tuesday that I have to work toward. It is called a primary election. I am only in town today, breaking my campaign schedule, which

is very important. I have a tough fight on my hands—it is well within my pay grade—a tough fight. But I met earlier today with the parties to the asbestos matter, attended a leadership meeting, and spoke with Senator HATCH earlier today.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous agreement, morning business is closed.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2004—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The pending business is the motion to proceed to the consideration of S. 2290.

The Senator from Utah.

Mr. HATCH. Did the distinguished Senator from Delaware have a desire to speak?

Mr. CARPER. Just for 5 minutes.

Mr. HATCH. I ask I be given the privilege of speaking thereafter.

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

Mr. REID. What was the unanimous consent request?

The PRESIDING OFFICER. The unanimous consent is that Senator CARPER be given 5 minutes, after which Senator HATCH will be given 5 minutes.

The Senator from Delaware.

Mr. CARPER. Before Senator SPECTER leaves the Chamber, I express my thanks to him and certainly to Judge Becker for the willingness to enter into what many people describe as one of the most complex issues we will face this year or any year in the U.S. Congress to try to see if there is a way to ensure that people who are sick and dying from asbestos exposure get the help they need; folks who are not sick, who become sick, get the help they need, and that the companies which have a fair amount of exposure, whether they be manufacturers or insurance companies, get some certainty with respect to their financial obligations.

I am more encouraged at this moment than I have been for some time that we may have the beginning of a negotiating process. I realize these negotiations are going under the sponsorship of Senator SPECTER and the leadership of Judge Becker. If we are fortunate enough to get the buy-in from both leaders, Senator FRIST and Senator DASCHLE, these negotiations, led by Judge Becker, should be the vehicle.

We do not have to go out and invent a new negotiation process. This is one that works. Judge Becker is smart as a whip. He got the involvement of the leadership staff on both sides. Senator HATCH's staff, Senator LEAHY's staff, Senator DODD, myself, and others have been actively involved in these negotiations through Judge Becker.

This is a good process. We ought to build on this process. I have encour-

aged our leader to take ownership of the process—not to take away from Judge Becker but to ask him to continue to work. Judge Becker, for reasons that are beyond my pay grade, enjoys the confidence of labor. He enjoys the confidence of the insurers. He enjoys the confidence of the manufacturers, the defendants in these cases, and I think the respect of the trial bar. What we need to do is take him up on the offer, on his willingness to stay here and work with us.

My hope is we will end up with a negotiation that will lead not to further negotiation but a bill, another bill in the Senate, building on what has come to the Senate already.

I had a chance to talk with Senator HATCH a few minutes ago off the floor. He expressed a willingness to wait for as much as a month before we actually take up the bill. That gives this negotiating process another 4 weeks to bear fruit, further fruit—it has already borne a lot—and for us to take up at a date certain—I suggest maybe the week before the Memorial Day recess—to take up the bill, to negotiate, to debate, to amend it, and to pass it.

I am, again, more encouraged than I have been in some time. I express my thanks, again, to the Senator from Pennsylvania for his leadership.

I thank Senator HATCH. I know this is near and dear to his heart, and Senator LEAHY and both of our leaders. We can get this done, and we have to.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague. However, I am not as sure we are going to get this done as he is. I have to say, we have been working on this for 15 months. We have met innumerable times with our friends on the other side. We have met with every party involved here. I have tried to do everything I possibly can to bring everybody together. This is mired in politics. There is no question about it.

We are talking about a motion to proceed. How often in the Senate have we had a filibuster against a motion to proceed to a bill, when you can filibuster the bill, too? So you would have two filibusters on this bill, assuming we were to invoke cloture on a motion to proceed. It shows the lengths to which some will go in an election year to play partisan politics.

Look, we have done everything in our power to accommodate Democrats. We have made so many changes to accommodate the Democrats on this that I have gotten excoriated by the Wall Street Journal and others who I do not think have looked at these negotiations or understand what is going on.

Keep in mind, there are 8,400 companies that would like to resolve this problem, many of which are going to go into bankruptcy. Seventy have already gone into bankruptcy. Those jobs are lost. Those pensions are lost. The money we could have here to help settle this is lost. Those were the main