

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 21, 2004 at 9:30 a.m. to hold a hearing on Iraq Transition: Civil War on Civil Society (II).

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 21, 2004, at 9:30 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a business meeting on S. 344, a bill expressing the policy of the United States regarding the United States' Relationship with Native Hawaiians and to provide a process for the recognition by the United States of Native Hawaiian governing entity, and for other purposes; and S. 1721, a bill to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes, to be followed immediately by a hearing on S. 297, the Federal Acknowledgement Process Reform Act of 2003.

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

JOINT ECONOMIC COMMITTEE

Mr. HATCH. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 216 of the Hart Senate Office Building, Wednesday, April 21, from 10 a.m. to 1 p.m.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 21, at 2:30 p.m. in room SD-366.

The purpose of the hearings is to receive testimony on implementation of the recreation fee demonstration program by the Forest Service and Bureau of Land Management, and on policies related to the program.

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

PRIVILEGE OF THE FLOOR

Mrs. MURRAY. Mr. President, on behalf of Senator HARKIN, I ask unanimous consent that Natalie Dupecher of his staff be granted the privilege of the floor for the duration of today's debate.

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

UNANIMOUS CONSENT REQUEST—
H.R. 3550

Mr. FRIST. Mr. President, in a moment I will propound a unanimous consent request with respect to the highway bill, but first let me explain to everybody where we are. We passed our

version of the bill in the Senate on February 12 by an overwhelming majority, 76 to 21. Subsequent to that, the House passed their bill, H.R. 3550, on April 2 by, again, an overwhelming majority of 357 to 65. That bill is now at the desk.

Therefore, I ask unanimous consent that the Senate proceed to the consideration of the House-passed highway bill, H.R. 3550; provided further that all after the enacting clause be stricken and the text of S. 1072, as passed, be inserted in lieu thereof; the bill then be read a third time and passed; further, the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate, with a ratio of 11 to 10.

The PRESIDING OFFICER. Is there objection?

The assistant Democratic leader.

Mr. REID. Reserving the right to object, Mr. President, this is legislation I really understand. Senator INHOFE and a couple others worked hard to get this legislation passed. I would say, initially, this legislation could not have passed but for the support, under some very difficult times, of the majority leader. I commend him for his outward support and inward support. He supported us openly on the Senate floor and in all of the discussions we had off the Senate floor. I am very grateful for that.

We have a very fine bill. The House bill is a bill that is OK. It is not as good as ours. But let me say this. We were moving along just fine on this legislation until, for reasons unknown to most people, the President said he is going to veto the bill if it is more than X number of dollars. Keep in mind that this legislation that passed the Senate does not create a single new tax. A vast majority of the money comes out of the trust fund to take care of this. It takes care of highways and transit—a good bill. It would create more than a million new jobs—high-paying jobs—directly.

So I say to my friend, the distinguished majority leader, I believe if conferees were appointed tonight what we would do is the Senate would designate staff people to work on this bill with the House people. I would suggest—and I don't care what it is called; call it whatever you want to call it—our staffs should start working on this legislation.

It is obvious, because the Speaker has indicated why he does not want this bill. He said he does not want his Members to have to cast a tough vote. Mr. President, 357 to 65—I served in the House. I know how many votes it takes to override a veto. Over here I know how many votes it takes to override a veto. This bill is a good bill, and the majority of the House and the Senate would vote to override the President's veto. I believe the President, when confronted with the facts of what good legislation this is, would not veto the bill anyway, with the need for creating jobs. But I would hope the majority leader would allow the staffs to begin

working on this to see if we can get to a point where a conference committee can be appointed. I want this bill to pass. I think it is something that needs to pass for our country. But I would hope we don't get in a position where our staffs can't work on this. I am sure the majority leader knows the staffs have already had one productive meeting. We could have a couple more and maybe get to the point where the majority leader would be satisfied that the staffs are doing the right thing, in his estimation. I would be happy to talk to my distinguished leader. He knows my interest in this bill. Hopefully, we would get it passed.

I apologize, this late in the evening, for talking as long as I have. But I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, we are in a unique situation, as you just heard explained quite well. This is a bill I very much want. It is a nonpartisan bill about which this body has spoken very loudly. I appreciate the leadership of my colleague from Nevada on this bill. We are very proud of the product we have produced. My whole intention of coming to the floor, which is the normal process, to appoint conferees, Republican and Democratic conferees, is to continue in an orderly fashion and bring the bill to completion so it is law, not just a bill. We passed it February 12. The House passed it on April 2. We passed two extensions of the previous highway bill already and the deadline for the next temporary extension will be next Friday. We will have to do it once again.

I am working very hard so we can have a conference committee, and we can't have a conference committee until we have conferees. It is time to act on the highway bill.

As the distinguished assistant Democratic leader said, over a million, and I would say 2 million, new jobs will be created by this bill. It is vital to our economy. It is vital to the Nation's infrastructure. Regular order would be for us to appoint conferees. We will continue to work, having heard the objection, in regular order which, in my mind, would accelerate passage of the bill. We will continue to work with the other side, although I am disappointed we cannot proceed with this regular order. But I am committed to the bill. The assistant Democratic leader is. Over 70 Members of this body are. So we will continue to work diligently in that regard.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session

to consider the following nominations on today's Executive Calendar: Calendar Nos. 624, 625, 626, 627, and nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

COAST GUARD

The following named officer for appointment as vice Commandant of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

To be vice admiral

Vice Adm. Terry M. Cross

The following named officer for appointment as Commander, Atlantic Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

To be vice admiral

Rear Adm. Vivien S. Crea

The following named officer for appointment as Commander, Pacific Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

To be vice admiral

Rear Adm. Harvey E. Johnson

The following named officer to serve as the Director of the Coast Guard Reserve pursuant to Title 14, U.S.C., Section 53 in the grade indicated:

To be rear admiral (lower half)

RADM (L) James C. Van Sice

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN1433 Coast Guard Nomination of Glenn M. Sulmasy, which was received by the Senate and appeared in the Congressional Record of March 12, 2004

PN 1434 Coast Guard Nominations (243) beginning George W. Molessa, and ending Yamasheka Z. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

UNANIMOUS CONSENT AGREEMENT—S. 2329

Mr. FRIST. Mr. President, I ask unanimous consent that if cloture is not invoked on the motion to proceed to S. 2290, the asbestos bill, the Senate proceed to the immediate consideration of S. 2329, a bill relating to victims' rights, which was introduced earlier today by Senators KYL and FEINSTEIN. I further ask that S. 2329 be held at the desk, that there be no amendments in order to the bill, and debate be limited to 2 hours, with 30 minutes each under the control of Senators KYL, HATCH, LEAHY, and FEINSTEIN respectively. I further ask that upon the use or yielding back of the time, the bill be read a third time and the Senate

proceed to a vote on passage without any intervening action or debate. I further ask unanimous consent that the cloture vote on the motion to proceed to S. J. Res. 1 be vitiated.

Mr. REID. Mr. President, I believe—although I am never certain—that cloture will not be invoked on the asbestos bill. The reason I mention that is I think the work done by Senators FEINSTEIN, HATCH, KYL, and LEAHY has been tremendous on this piece of legislation that we are going to debate tomorrow. It was originally in the form of a constitutional amendment. Even though I was a cosponsor of that early on, I think this is the appropriate way to do it.

I am very happy this most important legislation will be completed tomorrow. We don't often get to pat each other on the back around here for co-operation, but certainly this is an indication that people have worked well together and it is very good for the people of our country.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I will just add to the assistant Democratic leader's comments. There is a lot of work most people don't see. Certainly, you didn't see very much of it on the Senate floor over the last couple days. People have worked in a bipartisan way to pass a bipartisan bill. So I, too, congratulate the appropriate leaders on that bill.

ORDERS FOR THURSDAY, APRIL 22, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m.; that following the prayer and the pledge, the morning hour be deemed to have expired and the Journal of proceedings be approved to date; that following the time for the two leaders, the Senate begin a period of morning business for 60 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee; provided that following that 60-minute period the Senate resume consideration of the motion to proceed to S. 2290, the asbestos bill; provided further, that there then be 60 minutes of debate equally divided between the chairman and ranking member and, following that debate, the Senate proceed to a vote on the motion to invoke cloture on the motion to proceed to the bill.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning, following morning business, the Senate will resume consideration of the asbestos bill and the motion to proceed to the asbestos bill.

There will be an additional hour of debate prior to that vote on invoking cloture on the motion to proceed. I take this opportunity to thank Chairman HATCH and the many Members who have come to the floor to speak on the importance of this legislation. Indeed, both sides of the aisle have spoken to the critically important issue of an asbestos litigation system which is inefficient and, in many ways, run amok over its initial intention.

This vote is the beginning of the process and not the end. I have made that clear, hopefully, in every public statement and in every statement with my colleagues, as we have worked to negotiate this bill over the last week. It began several weeks ago when we set out on this course of bringing this to a real focus.

It is time to legislate on this important issue, and tomorrow's vote is an effort to work through many issues of the bill and to eventually produce an outcome.

If we are unable to invoke cloture on the asbestos bill, we are going to proceed to the victims' rights bill under the previous consent agreement. There will be up to 2 hours for debate prior to vote on passage of the victims' rights bill that was introduced earlier by Senators KYL and FEINSTEIN.

Therefore, Senators should expect at least two votes tomorrow. The first one will occur at approximately 11:30 in the morning on the motion to invoke cloture on the motion to proceed to the asbestos bill.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator REID.

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

ASBESTOS LITIGATION REFORM

Mr. REID. Mr. President, let me, first of all, say I tried to not be the last person speaking in the Senate, as people want to go home. We have lots of people here, including the Presiding Officer. I was asked early yesterday to give a statement today, and certain people are expecting me to do this. So I apologize to all the staff. I will try to be as quick as I can. I do believe that the statement is one that is important.

Let me, first of all, comment on the statements made by Senators HATCH and SESSIONS—those statements I heard today dealing with the asbestos legislation. I acknowledge that it is important legislation.

For example, I met in my office with Ken Bowa from Nevada, one of the vice presidents of the Pfizer Company. You would not think that a company that manufactures pharmaceuticals would have an asbestos problem, but they do. They bought a company 30 years ago,