

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 cooperation, 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,

or thereabouts, and that company at one time produced a material that had asbestos in it. Even though this is a multibillion-dollar company, that small purchase they made is causing them a lot of grief. So I know the problems from the business perspective. There are lots of problems. I understand that. I understand that my friend, Ken Bowa, had the interests of his client at heart, as do the other businesspeople, and their representatives come to see us.

One of the issues we always have to understand with asbestos is that in addition to the companies having problems, people are killed as a result of messing around with asbestos, working with it, working around it. Women who washed their husbands' clothes now have very serious illnesses, such as asbestosis, mesothelioma. With mesothelioma, it is not a question of dying; it is only a question of how soon. The average life expectancy is 14 months.

There is no question that as a result of some of the books written in the past year on Libby, MT, "Fatal Deception," where companies knew the danger of this product and they covered it up, they hid it, as a result of that, people will get sick and will die.

This is an issue about which we must be very cautious before we do something. The main thing we need to do is make sure there is enough money to take care of the people who are tragically ill as a result of this substance.

My friend from Alabama, the distinguished junior Senator from Alabama, said: Why don't we take care of this bill; there has been a lot of work that has gone into it, speaking about the bill on which we are going to vote regarding cloture tomorrow.

We reported out a bill—the way it should be done around here—we reported a bill out of committee on a bipartisan vote. That bill had a price tag of \$154 billion. The bill we are being asked to deal with tomorrow has a price tag of \$109 billion. That is a huge difference. We were not allowed to work on the committee-reported bill. We are now being asked to vote on this aberration of that bill.

This is not about greedy lawyers. It is about sick people. It is about companies that are in dire straits as a result of asbestos.

In spite of all this, we have not taken appropriate action to ban the importation of this toxic, poisonous, horrible substance, asbestos. I have joined with Patty Murray to deal with the importation of this substance into our country, as other countries have done. We have not done that. This will need a lot of work.

#### NEGATIVE IMPACT OF NO CHILD LEFT BEHIND ACT

Mr. REID. Mr. President, the reason I came to the floor is, first, to express my appreciation to the former chairman, now the ranking member, of the Education Committee, the senior Sen-

ator from Massachusetts, for constantly reminding us of the importance of education, enabling America's families to improve the quality of their life.

I want to talk about the negative impact of the No Child Left Behind Act.

Congress is not expected to pass much legislation this year, even though there is much more that should be done. Of the dozens of issues we have yet to consider, addressing the consequences of the No Child Left Behind Act is paramount.

When the No Child Left Behind Act was passed, there were many who lauded President Bush's commitment to education. After all, who among us would allow any child to slip through the cracks of our educational system if it could be prevented? None of us would do that. At the time, many thought this was sweeping legislation and that sweeping legislation would fill those gaps.

Sadly, this has not been the case. The No Child Left Behind Act has done more harm than good in more States than not. In the State of Nevada, we are suffering under the burden of unfunded mandates this law imposed. In fact, a leading headline in the Reno newspaper, the second largest newspaper in the State of Nevada, reads:

Educators Give No Child Left Behind Act a Failing Grade.

The man who stated that is the superintendent of public instruction of Washington County, the second largest school district in the State of Nevada. He said it is not working. It took a lot of courage for this man to do this. He comes from a county that is a Republican county by registration, but it is a county that is very fair and very independent. I am sure they recognize that Jim Hager, the fine man that he is, the long-time superintendent he has been, would not say anything unless he truly believed it was true:

Educators Give No Child Left Behind Act a Failing Grade.

When I talk about Jim Hager, I am talking about the Washington County School District superintendent, but he is also president of the Nevada Association of School Superintendents. We have 17 counties in Nevada, 17 school superintendents, and he is speaking for them. He is speaking for the Nevada Association of School Superintendents.

Let me give a snapshot of the education landscape in Nevada. We have 17 counties, as I have mentioned, in the State of Nevada. Clark County, of course, is the county Las Vegas is in. Well over 70 percent of the people of the State of Nevada live in Clark County. It is a big county. The State of Nevada has approximately 400,000 students. About 280,000 students are from Clark County. It is the fifth or sixth largest school district in America.

I also want to say here, for future understanding of my remarks, in the Clark County School District, about 30 percent of the children in that school district are Hispanic. The vast majority of those Hispanic students come

from Mexico. Many of those children, even though they are as smart as any other kids in America, have language problems because some of their parents do not speak English.

Clark County, which has this huge school district, needs \$1 million annually for recruitment efforts. They have to hire 2,000 new teachers a year.

We have a real problem graduating minority students. We are 49th in the Nation. We graduate overall about 63 percent of all students. That is not good. We recognize that. But you will not meet a single parent, teacher, principal, superintendent, or school administrator of any kind who is not concerned about preserving and improving the quality of education for the kids in Nevada. In fact, there is no one within the sound of my voice who is not committed to giving every child an opportunity to graduate and go on to higher education, whether that higher education is college or some kind of trade school.

Whatever it takes for us to get there, we are going to do that. In fact, Nevada did create its own accountability system that will work in our States. It addresses the needs of our children in our own way. The No Child Left Behind Act was passed and now we are living in its wake. It reminds me of when I went to Hawaii for the first time. There was this beautiful beach on the island of Maui. We were eating in a restaurant and it was such a beautiful view. We had a conversation with the waitress and she told us when she was a little girl the beach that we could see opened up and went out for a football field, way out into the ocean. The kids ran out there. There was a school nearby where the restaurant is now. They ran out there. What they did not realize is that was a tsunami and it pulled the water out and you could not see the waves coming in. It washed over everybody and killed a lot of kids and a lot of people were hurt.

That is what has happened with the No Child Left Behind Act. One cannot see on the surface what has happened, but the undertow, the tsunami, has wiped out a lot of children. It is ironic that this sweeping education reform legislation authored by President Bush is receiving a failing grade from every school system it was intended to help. There is no question about it, as I indicated before, that it is hurting kids in Nevada. It is so bad in Utah, they have withdrawn from the program. The State of Utah—I am sure it is the first of a number of States to do that—said: We want no part of it. We want to educate our kids the way we think we should, and not have these burdens that I will talk about in just a minute.

So more than 2 years after this legislation was passed, parents are still struggling to understand the basics of the law, especially when they learn about terms such as "annual yearly progress" and "failing school." As a parent, people want the best for their children. It is disturbing to be told