

American jobs, increase renewable and alternative sources of energy, and reduce America's dependence on foreign oil. This bill has been blocked in the Senate for 3 years, including a provision to open ANWR and dramatically reduce America's dependence on foreign oil and create hundreds of thousands of more American jobs.

The Workforce Investment Act is projected to help more than 940,000 dislocated workers get the training they need to get good jobs. It was passed by both the House and the Senate—I might add unanimously in the Senate. Senate Democrats now refuse to appoint conferees so that the bill can become law.

Judges—the unprecedented, unconstitutional challenge to the Senate's advise-and-consent role continues. A minority of Democrats have prevented six highly qualified Federal appeals court nominees from receiving a fair, up-or-down confirmation vote and are threatening to use partisan filibusters to prevent confirmation of additional judges. If given an up-or-down vote, all these nominees would be serving on the bench today.

The class action legislation I mentioned would create a consumer bill of rights to ensure that victims are not denied fair compensation while their trial lawyers escape with the lion's share of court awards. On October 22, 2003, Senate Republicans and nine Democrats came one vote short of overcoming the Democrat leadership's parliamentary obstruction.

Faith-based/charities legislation passed the Senate on April 9, 2003, with overwhelming bipartisan support, 95 to 5, and similar legislation resoundingly passed the House on September 17, but the Democrat leadership is blocking a conference committee to resolve House-Senate differences and even allow a final vote. The CARE Act will spur more charitable giving and assist faith-based organizations and community charities.

Welfare reform—on April 1, 2004, Senate Democrats voted to block a measure to reauthorize the landmark 1996 welfare reforms. H.R. 4 would build on the successes of the 1996 reforms to strengthen work requirements and promote healthy families, as well as provide an additional \$6 billion in childcare funding.

It is time to move forward with an agenda in the Senate. I think it is time for us to put aside the partisan politics we are experiencing in the Senate today and move forward with, I think, very important legislation. I talked about some of that: liability reform, that affects both class actions as well as medical care; trying to ensure that we have voluntarism. Welfare reform has been extremely successful. Yet we find that obstructed in the Senate.

I hope, even though this is a Presidential year, and many of us are not surprised by some of the Presidential politics, that the Democrats will seek to cooperate more with the Republican

majority so we can move forward with the agenda in the Senate.

There is a terrible cost being exacted for our delinquency on these matters. Every day the outlook for health care, the burden of an un-reformed tort system run amuck, and opportunities for America's small businesses grows increasingly difficult. I pledge to work with my colleagues on each of these issues, some of which I support and others which I may not, but I will work with colleagues to see that each bill receives a fair up and down vote. Our constituents deserve better than to watch while the legislative process is held hostage for the political or ideological desires of a few members of this body.

Mr. President, I thank the Chair and yield back my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OBSTRUCTION TACTICS

Mr. SANTORUM. Mr. President, I rise to express my concern about what seems to be an all-too-apparent pattern in the Senate when we earnestly try to work together to bring up issues that are important to the future of this country, such as the jobs in manufacturing bill, the FSC bill, where we have been trying to avoid more tariffs, which now have been levied against many manufacturers by the European Union, that are increasing month by month. We are trying to get a bill passed to help our manufacturers, to help our manufacturing economy, and that is being blocked on the floor of the Senate.

Medical liability: We have had three votes just to bring the bill up to discuss it, to discuss an issue that is devastating my State. I have had numerous town meetings across the Commonwealth of Pennsylvania. Doctors, nurses, health professionals, hospital administrators, patients, and patient groups are coming and saying: We have to do something to deal with the skyrocketing cost of health insurance as a result of medical liability insurance costs.

We have lost 1,100 doctors in Pennsylvania alone. We have great medical schools, but we are almost last in the country now in physicians under the age of 35. Yet we produce—next to New York and California, maybe Texas—more young physicians than any other State in the country. It is a huge problem; yet we can't even debate it in the Senate because we are being blocked.

Energy is another one. It came very close. We worked out a bipartisan bill. It had bipartisan support. We couldn't get an energy bill passed because of a filibuster in the Senate. The same is true with workforce investment. We passed it. It is being blocked from going to conference. That is a new obstruction tactic which is a sort of bait and switch. It is the idea that, yes, we will give you this, we will pass it, and then after everybody believes we passed it and we have done our job, we are not allowed to go to conference to work out the differences between the two bodies. So we can't get a bill done.

We have talked about judges over and over and spent many late nights here talking about the obstructionism. Again, it is a new tactic, a new level of obstruction heretofore never seen in the Senate—requiring judges to get 60 votes for confirmation. So we have this new threshold for judges. We have a new threshold for passing legislation which is not allowing us to go to conference and requiring a 60-vote majority to go to conference, not to pass a bill, not to bring a bill up. It is obstruction on top of obstruction.

We had a bipartisan welfare reform bill we were working on. We were working to do more for daycare—many on the other side of the aisle wanted to do that—\$7 billion more for daycare, a huge increase in daycare funding with a very small increase in work requirement and in participation standards. It was blocked on the floor of the Senate.

On class action we came close—one vote. Again, we came close; not 51, not passage, it came close to the 60 votes that are now required on every single measure that comes before the Senate. We came one vote short, and we still have no assurance of the ability to bring the bill up and to come to conclusion.

Faith-based charities is another example of a bill that passed with 90-plus votes. We can't go to conference. This was a bill that was bipartisan in nature. Senator LIEBERMAN and I were sponsors of the legislation. There was no controversy surrounding it. Anything that was controversial was excised from the bill. Still we can't get the bill to conference to be able to get something that will infuse billions of dollars into charitable organizations across the country.

Now we add to it asbestos care and jobs. We have this bill. Again, what is this about? What is this vote about? This is about discussing the bill. Is anyone in this Chamber saying there isn't a problem? There was a settlement that was just agreed to wherein the average person in Pennsylvania received \$12,000, and the average claimant in Mississippi received \$250,000 per person. Is this a fair system, where people in Mississippi, because of a ridiculous court situation that goes on and the fraudulent court system in some counties in Mississippi, where lawyers have bought off the judiciary, that that is somehow or another a fair

system, that claimants in those communities should get more than someone who is similarly situated in another State?

This is a situation that is crying out for Federal intervention. If we had this kind of discrimination going on in any other area, other than the fact that trial lawyers are involved, personal injury lawyers are involved, if we had any of this discrimination going on between States, both sides of the aisle would be screaming for a Federal solution. But when you have a situation where 50 percent of the money goes to lawyers and court costs and that money seems to find its way back, interestingly enough, in the political system, then all of a sudden we don't mind discrimination between States.

We don't mind if some States do very well under this lottery system that has evolved in these asbestos cases. We don't care if people who are sick and dying of mesothelioma get \$10,000 in claims, and someone who walked through a construction site where there was asbestos, who is not sick, never will be sick, gets hundreds of thousands of dollars. We don't care, just as long as our buddies, the personal injury lawyers, get their cut. That is what is going on here.

This is outrageous, with the severe problem we have in asbestos litigation, as severe a problem and as inequitable a situation as we have, as destructive to the economy as this is. Twenty-five percent of the companies that have gone bankrupt have gone bankrupt in Pennsylvania; 25 percent of those companies are Pennsylvania based.

We have a company Senator HATCH talked about the other day, Crown Cork & Seal. Crown Cork & Seal makes bottle caps. If you opened up a Coke bottle, you used to have cork on the inside of the bottle cap. Now they have plastic. But they make plastic containers and bottle caps, all those things. They bought a bottling company in 1963, a cork company, as part of their growth. That company also had an insulation business. They owned the insulation business for 90 days—they never operated it—90 days in 1963. They spent \$7 million on the acquisition. They have already paid out \$400 million in claims on a business they never operated. What has that done? It has crippled that business. It is still surviving because it is a great company and it is still a world leader, but \$400 million out of a bottom line of a company that never made the product, that owned it for 90 days and sold it as soon as they could find a buyer. They never operated the business and they still have tens of thousands of claims outstanding. This is wrong. If you want to talk about hurting manufacturers, I would like someone on the other side to stand up and say how this is fair to manufacturing.

By the way, most of these claims and most of the money being paid out is going to lawyers, not people who are sick. Most of the claims are going to

people who are not sick, not people who are sick, because most of the claims are filed by people who are not sick. This is an outrage, and we can't even discuss it here in the Senate. We can't even bring the bill up and have an amendment. We can't let the Senate work its will. I hear so much the complaint, if you just let the Senate work its will, bring these bills up. We can have a discussion. We have our message amendments that we want to do. But let's bring the bill up.

Well, here we are. Let's bring the bill up. When it comes to our friends, the personal injury lawyers, we can't bring those bills up. We will bring up other bills but not when it comes to our buddies, the personal injury lawyers. Because it is a campaign season, we have campaigns to fund.

This is an outrage. I don't want to hear any more complaints from the other side of the aisle about how manufacturing is in the doldrums when this particular bill could do more to stimulate capital investment in manufacturing and growth in the manufacturing sector and stop those companies from moving offshore. Why? Because they don't want these claims and the litigation environment—asbestos is probably the poster child for that—that they have to live with.

We have an obligation to those who are sick to set up a fund so people who are sick, have health care expenditures, and are going through difficult times, who are disabled, get the resources they need and deserve as a result of being exposed to asbestos. We have an obligation. I can tell you the insurance companies, the manufacturers, are willing to put up over \$100 billion to help people who are sick, and by the way, there is very little money for lawyers. That is the problem here. We are OK with the \$100 billion or more for folks who are sick, but what about our friends, the lawyers? What are they going to do? How are they going to feed their families? Is that the real concern here?

The concern in asbestos cases should be the people who are sick, not the lawyers who are making right now the lion's share of the money on this issue. That is what we are trying to get to here.

All we are trying to do is discuss it. The bill that is before us I think puts \$114 billion in the trust fund. I would be willing to continue to work on this point and see if we can get that money up higher. I am willing to look at all sorts of aspects of this bill to see if we can find a way to create a system to help people who are sick in this country as a result of exposure to asbestos and stop the bleeding of these people—the bleeding of these people—by personal injury lawyers who care more about their bottom line than helping people who are sick. If they really were concerned about people who are sick, there would not be tens of thousands of cases being filed in America today by people who are not sick because that

money is being drained away from people who are sick to people who are not sick and to lawyers who are suing on their behalf.

What is happening in this system is criminal, in my opinion, and for the Senate to say we simply do not want to discuss it is an outrage.

I know the negotiations are continuing among labor, the insurance companies, and manufacturers, and I assume trial lawyers are involved, although probably objecting to everything, but we need to come to a conclusion.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator's time has expired.

Mr. SANTORUM. Madam President, we need to help those people who are sick, and we need to help them now.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

GAYLORD NELSON AND EARTH DAY

Mr. KOHL. Madam President, today I rise to recognize one of our most prominent Wisconsinites, Gaylord Nelson, the founder of Earth Day, the man who fundamentally changed the way American people view the environment.

Before Gaylord Nelson came along, pollution and ecology were fringe subjects, a concern of only a few academics. After Gaylord Nelson created Earth Day in 1970, environmental issues exploded into our public debate. In that first year, almost 20 million people participated in Earth Day events—an instant success. By last year, 500 million people in 167 countries took part in Earth Day, spreading the message of environmental stewardship.

Earth Day laid the foundation for landmark environmental legislation. All over the country, Americans heard about the dangers of lead in our water, pesticides in our drinking water, and chemicals in our soil. An informed public brought pressure on Congress and the President to act. The movement that started that first Earth Day led to the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and Superfund legislation. These are the foundations of environmental law today, and they would not have been possible without the work and the vision of Senator Gaylord Nelson.

That vision is still necessary today as we struggle to complete the work Gaylord Nelson started in 1970. Congress and the administration still must address arsenic in the water, mercury in the air, and the impact of outdated coal-burning powerplants, just to name a few outstanding environmental problems.

Gaylord Nelson's dream is not yet a reality, but it is worth fighting for, as is so much Gaylord Nelson has championed.

Senator NELSON entered public service in 1948 after serving 4 years in the