

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

military during World War II. He served as a Wisconsin State senator, Governor, and then as a U.S. Senator for 18 years. As Governor, he was known for conservation efforts and preserving wetlands long before those causes became popular nationally. As a Senator, he built on his environmental reputation to further issues, including the preservation of the Appalachian Trail corridor and the creation of a national trail system.

While he left the Government in 1981, Gaylord Nelson never stopped fighting for the environment. He joined the Wilderness Society where he has worked tirelessly ever since. Even today at age 87, he is an active advocate for fragile lands around the country.

This year, Earth Day is a reminder of how much progress we have made and how much further we have yet to go. In the 1970s, the symbol of environmental decay was the burning Cuyahoga River, a waterway turned into a drainage ditch for industry. While Cleveland suffered much ridicule for that ecological disaster, they were not alone. At that time, our natural resources were being squandered and scarred in community after community.

Today such obvious examples of irresponsibility are harder to find. Now we struggle with pollution that is more diffuse and harder to track, but still dangerous. In Wisconsin, our northern lakes contain so much mercury the fish caught there are often unsafe to eat. And in the southeastern part of my State, the air is contaminated with pollutants, many of which traveled hundreds of miles before impacting our environment.

Challenges such as these require everyone in the region, the country, and even the world to work together to lower emissions and limit discharge. Global connectedness was what the original Earth Day was all about, and that message still needs to be heard today. Gaylord Nelson wanted us all to realize we could not escape the consequences of pollution by burying our garbage somewhere else or sending it up ever taller smokestacks.

Earth Day also reminds us we need to work internationally. We need to engage developing economies, such as China, India, and Russia, to head off major environmental disasters. We are not on this planet alone, and we can no longer pretend environmental damage around the globe does not come back to haunt us here at home. Senator Nelson understood that lesson almost 40 years ago, and he has been teaching it to the rest of us ever since.

We have made progress in heeding Gaylord Nelson's call to action over the last 34 years. Water quality is better off than it was in 1970. Many dangerous toxins are off the market, and some large environmental disasters of the past are clean today. But we certainly are not ready to declare we do not need Earth Day anymore, and we are not ready to let Gaylord Nelson retire. We are more aware today of the

global and long-term impact our actions have on our Earth, and with that greater awareness comes a greater responsibility to leave the planet cleaner and healthier.

Earth Day is an opportunity for Members of Congress to recommit ourselves to that goal, and Earth Day is a day to thank Gaylord Nelson for focusing us on how we impact the environment that sustains us and the legacy we owe to the generations that follow us.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, there is no one here from the majority. I know this is time that has been set aside for morning business, and we have assigned speakers on this side. Senator DURBIN came over early this morning and expressed a desire to speak regarding Mary McGrory, who was a friend of a number of people in this body and thousands of people around the country. Senator DORGAN also came here to speak on her behalf. We have some extra time now.

Since there is no one here—and if the majority needs additional time, we will give that to them—I ask unanimous consent that there be an additional 10 minutes in morning business so that Senators on this side may speak about Mary McGrory. We also add that time in morning business for the majority. That will be an additional 20 minutes if, in fact, the majority wants that time.

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

The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

#### TRIBUTE TO MARY McGRORY

Mr. DURBIN. Madam President, I thank the Senator from Nevada for trying to accommodate a number of us who are anxious to come to the floor and say a few words about a great woman.

America lost one of its greatest journalists last night. Washington Post columnist Mary McGrory filed her last story at George Washington Hospital. Mary McGrory has been described by her peers as a "luminous writer," "the clearest thinker in the business," "a pioneering force in today's journalism," "a lyrical writer."

She hailed from the same Boston Irish roots as Tip O'Neill. She found the love of her life in the written word. She made it to the top in a man's world of reporting and sharp-elbow politics. There are those who ply their journalistic trade with blunt instruments and short-lived prose, but there are a few who make their word march and sing. Mary McGrory was one of those few.

I first heard her name 38 years ago when I was a college intern in the Senate. I can recall Senator Paul Douglas' personal secretary telling the Senator Mary McGrory was waiting to see him.

Thirty years later, elected to the Senate, my staff would tell me, Mary McGrory is waiting to see you.

One could not help but be drawn to Mary, her Irish wit, her boundless energy, even in the later years. Her blunt criticism of hypocrisy and venality were a joy to witness.

It was my good fortune to be a member of Mary McGrory's "fruitcake club." It was a loose conspiracy drawn together for dinner at Mary's home at least once a year to celebrate the much honored but seldom eaten fruitcake which Senator Max Cleland sent to Mary at Christmas. We would all arrive late after votes on the House and Senate floor—Max Cleland, Congresswoman Louise Slaughter of New York, Phil and Melanne Vermeer, longtime friends and a few new aspirants to the club. What followed were endless rounds of wine and a beef roast that always seemed to need a return trip to the oven.

After dinner, we would move to the living room surrounded by the mementos of Mary's storied career, reminders of her proud mention on Richard Nixon's enemy's list, rollcalls from the Watergate hearing and more. Over her desk, where she sat down to write at home, was a poem by her beloved W. B. Yeats entitled "Adam's Curse."

I spotted it and started to read it one evening at the party, and Mary saw me. She walked over and recited from memory this part of the poem:

Better go down upon your marrow-bones  
And scrub a kitchen pavement, or break  
stones

Like an old pauper, in all kinds of weather;  
For to articulate sweet sounds together  
Is to work harder than all these, and yet  
Be thought an idler by the noisy set  
Of bankers, schoolmasters and clergymen  
The martyrs call the world.

Mary McGrory understood the burden of good writing. Yeats tells us in this poem that producing something beautiful is not easy, though it has the curse of looking easy. Mary McGrory did indeed make it look easy. Mary's poetry and beauty were shared in her word and in her life, and many of us were blessed to be a very small part of it.

Before she was cruelly silenced by a stroke last year, Mary would write and speak with the emotion of a poet's heart. I recall our last dinner when she turned and recited to me one of her favorite poems by William Butler Yeats. It is entitled "When You Are Old."

When you are old and grey and full of sleep,  
And nodding by the fire, take down this  
book,  
And slowly read, and dream of the soft look  
Your eyes had once, and of their shadows  
deep;  
How many loved your moments of glad  
grace,  
And loved your beauty with love false or  
true,

But one man loved the pilgrim soul in you,  
And loved the sorrows of your changing face;  
And bending down beside the glowing bars,  
Murmur, a little sadly, how Love fled  
And paced upon the mountains overhead  
And hid his face amid a crowd of stars.