

passage of a bill that fairly resolves compensation problems and ends the scandal of asbestos lawsuit abuse once and for all."

Mr. LEAHY. The bipartisan efforts of the last 2 years have been productive. With the help of Judge Edward Becker, the primary stakeholders have worked diligently and as a result we have reached a compromise agreement on a national trust fund that will fairly compensate victims of asbestos exposure. With the Chairman's leadership, the disparate interests have reached consensus on many issues such as overall funding of \$140 billion and a streamlined administrative process within the Department of Labor. Compensation will be awarded and paid outside of the court system through a simplified administrative claims process. There is no need to prove liability or identify a particular defendant. There is, instead, a claims process wherein all those who exhibit certain medical symptoms and evidence of disease are compensated.

Last Congress I was disappointed by the bill reported by the Judiciary Committee and by the partisan bill, S. 2290, that was subsequently introduced as a substitute for that legislation. As compared to those efforts, our bipartisan bill includes significant and necessary improvements: Our bill provides higher compensation awards for victims, with \$1.1 million for victims of mesothelioma, \$300,000 to \$1.1 million for lung cancer victims, \$200,000 for victims of other cancers caused by asbestos, \$100,000 to \$850,000 for asbestosis, and \$25,000 for what we call "mixed disease cases." All likely asbestos victims are eligible for medical monitoring, and unlike last year's bills, this bill provides for medical screening for high-risk workers, a relatively low-cost way to help make sure that those most likely to be harmed are diagnosed.

Another essential improvement is the important provision ensuring that victims' awards under the new trust fund will not be subject to subrogation by insurance companies. This means that victims will not have to give up any of their much-deserved compensation just because they received workers' compensation or other insurance benefits in the past. The initial funding of this trust is both more realistic and more substantial than the partisan bill from the last Congress, providing for almost \$43 billion of the total \$140 billion in the first five years. And unlike the earlier bill, this bill ensures that the contributors into the fund will be a matter of public record, as are their obligations to the fund. Our bill also guarantees that court cases that are well under way, and certainly those that have reached judgment, will not be upset by the new trust fund. Similarly, last year's bill would also have overridden all civil settlements that had any remaining conduct outstanding. Our bipartisan asbestos bill protects those settlements between named defendants and named victims, and also protects settlements that provide for health insurance or health care.

There are other improvements to the trust fund plan over last year's effort. The previous legislation provided no incentive for the fund to start processing claims. The Specter-Leahy-Feinstein bill creates an incentive for the fund to begin processing claims quickly: If it is not operational within 9 months, the sickest victims will be able to return to the tort system. If the fund is not operational within 24 months, all victims can return to the tort system.

In improving the way the asbestos legislation handles exigent claims—those victims who are sickest and may not have long to live—Senator FEINSTEIN was instrumental in developing a creative solution. I thank the senior Senator from California for her tireless efforts on behalf of sick and dying asbestos victims. These victims should not be forced to wait a year while this new trust fund gets organized and ready to process claims. Under Senator FEINSTEIN's approach, which we adopted, exigent cases would receive an immediate lump-sum payment, and, as I noted earlier, if the fund is not operational in nine months, these sickest victims will be able to continue their cases in court.

As part of this compromise legislation, a particular class of lung cancer sufferers, those who have had significant asbestos exposure but no markings of asbestos-related disease, are not treated as compensable victims for purposes of the asbestos trust fund. Because of the absence of markings, it is not possible to establish asbestos as the cause of their disease. If they develop markings, however, they will become eligible for compensation from the asbestos trust fund. As with many other administrative claims processes, this bill sets a limit on attorneys' fee. In connection with this asbestos fund, the limit is set at 5 percent on victims' awards within the fund. In addition, in order to prevent victims of asbestos exposure from retooling their complaints to circumvent the asbestos trust fund, the bill also imposes a higher burden of proof within the tort system for plaintiffs seeking damages resulting from exposure to silica.

The problems we are addressing are complex, this bill necessarily reflects these complexities, and its drafting was not easy. The compromises we had to make were difficult but necessary to ensure that we created a trust fund that would provide adequate compensation to the thousands of workers who have suffered, and continue to suffer, the devastating health effect of asbestos. The history of asbestos use in our country must come to an end. Under a provision authored by Senator MURRAY that we have included, which was accepted during the last Congress by the Judiciary Committee, this bill will ban its use. We must halt the harm asbestos creates, and ameliorate the harm it has already caused. The industrial and insurer participants in the trust fund will gain the benefits of financial cer-

tainty and relief from the stresses of litigation in the tort system, and the victims will have a quicker and more efficient path to recovery.

I thank Chairman SPECTER, Senator FEINSTEIN and others for working so hard with me on this bipartisan legislation. I urge Senators to support this compromise legislation to, at long last, help solve the asbestos problem by providing fair compensation to victims of asbestos exposure.

I think of the staffs who have worked so diligently on this. On my staff, I single out Ed Pagano, who was a lead counsel of the Democrats, along with Kristine Lucius on our side. On Senator SPECTER's side, we were helped so much by Seema Singh.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 113—EX-PRESSING SUPPORT FOR THE INTERNATIONAL HOME FURNISHINGS MARKET IN HIGH POINT, NORTH CAROLINA

Mrs. DOLE (for herself and Mr. BURR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 113

Whereas the International Home Furnishings Market in High Point, North Carolina (commonly known as the "High Point Market") is the largest home furnishings industry trade show of its kind in the world;

Whereas the High Point Market takes place every April and October, and is the largest event in North Carolina, attended by more people for a longer period of time over a larger area than any other event in the State;

Whereas an average of 70,000 manufacturers, exhibitors, sales representatives, retail buyers, interior designers, architects, support personnel, suppliers, and news media attend the High Point Market each April and October;

Whereas people from all 50 States and more than 100 foreign countries attend the High Point Market;

Whereas the High Point Market attracts an average of 2,500 exhibitors from around the world, with international exhibitors constituting more than 10 percent of the exhibitors at the event;

Whereas the exhibits at the High Point Market encompass a wide variety of finished products, including case goods (wood furniture), upholstery, accessories, lighting, bedding, and rugs;

Whereas the High Point Market has more than 11,500,000 square feet of permanent showroom space in more than 180 separate buildings in High Point and Thomasville, North Carolina;

Whereas the High Point Market brings \$1,140,000,000 and more than 13,000 jobs to North Carolina annually, and creates a significant, lasting, and positive economic impact on a State in which the manufacturing economy is declining due to offshore production;

Whereas the Federal Government has invested in the High Point Market by providing funding to help meet critical transportation infrastructure needs; and

Whereas the High Point Market is a vital engine for economic growth for North Carolina, especially for the region commonly

known as the Triad Region: Now, therefore, be it

Resolved, That the Senate—

(1) expresses support for the International Home Furnishings Market in High Point, North Carolina;

(2) commends those who organize and participate in the International Home Furnishings Market for their contributions to economic growth and vitality in North Carolina; and

(3) recognizes that the International Home Furnishings Market has a positive economic impact on North Carolina and is vital to a region and State adversely affected by a decline in traditional manufacturing.

AMENDMENTS SUBMITTED & PROPOSED

SA 538. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table.

SA 539. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 540. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 541. Mr. KYL submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 542. Mr. KYL submitted an amendment intended to be proposed to amendment SA 387 proposed by Ms. MIKULSKI (for herself, Mr. ALLEN, Mr. LEAHY, Mr. CORZINE, Mr. WARNER, Mr. JEFFORDS, Mr. SARBANES, Mr. DAYTON, Mr. KENNEDY, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. DORGAN, Mr. KERRY, Mr. CONRAD, Mr. THOMAS, Mr. STEVENS, Mr. DEWINE, Mr. COLEMAN, Ms. SNOWE, and Ms. COLLINS) to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 543. Mr. REED (for himself and Mr. CHAFEE) submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 544. Mr. REED (for himself and Mr. CHAFEE) submitted an amendment intended to be proposed to amendment SA 432 proposed by Mr. CHAMBLISS (for himself and Mr. KYL) to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 545. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 376 submitted by Mr. WYDEN (for himself, Mr. SMITH, and Mrs. MURRAY) and intended to be proposed to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 546. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 547. Mr. COCHRAN (for Mr. BOND) proposed an amendment to the bill H.R. 1268, supra.

SA 548. Mr. COCHRAN (for Mr. LEAHY) proposed an amendment to the bill H.R. 1268, supra.

SA 549. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 475 submitted by Mr. CRAIG (for himself, Mr. BAUCUS, Mr. ROBERTS, and Mr. ENZI) and intended to be proposed to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 550. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 551. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 439 submitted by Mr. CRAIG (for himself and Mr. AKAKA) and intended to be proposed to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 552. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 475 submitted by Mr. CRAIG (for himself, Mr. BAUCUS, Mr. ROBERTS, and Mr. ENZI) and intended to be proposed to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 553. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 376 submitted by Mr. WYDEN (for himself, Mr. SMITH, and Mrs. MURRAY) and intended to be proposed to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 554. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 376 submitted by Mr. WYDEN (for himself, Mr. SMITH, and Mrs. MURRAY) and intended to be proposed to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 555. Mr. KYL submitted an amendment intended to be proposed to amendment SA 387 proposed by Ms. MIKULSKI (for herself, Mr. ALLEN, Mr. LEAHY, Mr. CORZINE, Mr. WARNER, Mr. JEFFORDS, Mr. SARBANES, Mr. DAYTON, Mr. KENNEDY, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. DORGAN, Mr. KERRY, Mr. CONRAD, Mr. THOMAS, Mr. STEVENS, Mr. DEWINE, Mr. COLEMAN, Ms. SNOWE, and Ms. COLLINS) to the bill H.R. 1268, supra.

SA 556. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 557. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 530 submitted by Mr. DOMENICI and intended to be proposed to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 558. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 529 submitted by Mr. DOMENICI and intended to be proposed to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 559. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 437 submitted by Mr. ROCKEFELLER and intended to be proposed to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 560. Mr. COCHRAN (for Mr. SHELBY (for himself, Mr. KENNEDY, Mr. DURBIN, and Mr. OBAMA)) proposed an amendment to the bill H.R. 1268, supra.

SA 561. Mr. COCHRAN (for Mr. REID) proposed an amendment to the bill H.R. 1268, supra.

SA 562. Mr. COCHRAN (for Mr. REID) proposed an amendment to the bill H.R. 1268, supra.

supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike line 1 and all that follows through page 35, line 23.

SA 539. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 58, strike line 10 and all that follows through page 65, line 21, and insert the following:

“(3) REQUIRED WAGES.—

“(A) IN GENERAL.—An employer applying for workers shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less than the prevailing wage.

“(B) INFORMATION FROM STATES.—In complying with subparagraph (A), an employer may request and obtain a prevailing wage determination from the State employment security agency.

“(C) INFORMATION FROM SURVEYS.—In lieu of the procedure described in subparagraph (B), an employer may rely on other wage information, including a survey of the prevailing wages of workers in the occupation in the area of intended employment that has been conducted or funded by the employer or a group of employers, that meets criteria specified by the Secretary of Labor in regulations.

“(D) COMPLIANCE.—An employer who obtains such prevailing wage determination, or who relies on a qualifying survey of prevailing wages, and who pays the wage determined to be prevailing, shall be considered to have complied with the requirement of subparagraph (A).

“(E) MINIMUM WAGES.—No worker shall be paid less than the greater of the prevailing wage or the applicable State minimum wage.

SA 540. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border

TEXT OF AMENDMENTS

SA 538. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, Making emergency