

country with similar problems. Yet every one of them is excluded.

Community asbestos contamination can result from many different sources. Medical experts, for example, say it may result from exposure to asbestos after the collapse of the World Trade Center. Because of the long latency period, we often do not learn about community asbestos contamination until long after it occurs. Certainly these victims of asbestos are entitled to fair treatment, as well. They should not be arbitrarily excluded from compensation, as if somehow their suffering is somehow less worthy of recognition than the suffering of asbestos victims. Yet that is what S. 852 does.

There are many of those victims. I have talked with the extraordinarily brave and courageous workers who came to the sites of the Trade Towers on September 11, working on those areas for days and weeks for an intense period of time, and their exposure to asbestos fibers during that work will pose an enormous health threat to them in the years to come. We all know there can be a significant period of latency. Are we going to exclude those extraordinary men and women who were out there trying to do an incredible job for the people, not just of New York but for our country? This legislation excludes them.

The asbestos trust fund is being presented as an alternative source of compensation for victims suffering from asbestos-induced disease. If that alternative runs out of money and can no longer compensate those victims in a full and timely manner, their right to seek compensation through the judicial system should be immediately restored with no strings attached. There is no principle more basic. Yet this bill violates that principle.

Our friend and colleague from Delaware intends to offer an amendment that if we run out of money, the provisions will be there for them to go back into the tort system. Just accept the Biden amendment. It makes it extremely clear and eliminates the roadblocks for going back into the tort system, as the current legislation does. As I understand it, there is not a willingness to accept the Biden amendment.

Another major flaw in this legislation is it lacks adequate funding. Putting it bluntly, S. 852 does not provide sufficient money to compensate the victims of asbestos diseases that it promises to cover. That is the essence of the budget debate we are having about the bill. The sponsors claim the budget point of order against the bill is technical, but the financial inadequacy of the trust fund to meet its obligation is very real. Should the trust fund fail, both asbestos victims and the taxpayers will pay a heavy price.

A broad range of experts have analyzed S. 852 and concluded that the asbestos trust fund created by this legislation is seriously underfunded. Senator CONRAD has addressed this in great detail. I certainly hope our colleagues will read his remarks carefully.

If S. 852 is enacted, the United States will be paying a commitment that hundreds of thousands of seriously ill asbestos victims will be compensated, but it will not have to ensure that adequate dollars are available to honor its commitment. That will precipitate a genuine asbestos crisis and this Congress will bear the responsibility for it.

Since the trust fund will be borrowing from the U.S. Treasury in the first few years of operation, if it becomes insolvent it will have a direct impact on American taxpayers. Let me point out, we do not do very well in setting up these trust funds to compensate individuals. We certainly have not done it with regard to the downwinders in other trust funds. There is little reason to believe we are going to do it or would do it in this circumstance, either.

The argument that there are serious inadequacies in the way asbestos cases are adjudicated today does not mean that any legislation is better than the current system. Our first obligation is to do no harm. We should not be supporting legislation that excludes many seriously ill victims from receiving compensation that fails to provide a guarantee of adequate funding to make sure these injured workers covered by the trust fund will actually receive what the bill promises them. This bill will do harm to these asbestos victims. I intend to vote no.

There is no reason, if we reject this legislation, we cannot come back with legislation that builds on a trust fund that is adequate and will do the job. That is what many Members believe is the way we ought to go. This is not such a bill.

#### THE BUDGET

Mr. KENNEDY. Mr. President, I will talk for a few moments about the budget that has been submitted by this administration in the last few days and how it fails to address those needs.

Effectively, in the budget the President has set up, we are going to see a very serious and significant decline in supporting some enormously needed programs that help to provide opportunities for so many of our people in this country, such as educational programs and health programs, all in order that we provide a tax break for individual Americans at the cost of \$45 billion or \$46 billion this year.

That is what a budget is about: priorities. When I go back to Massachusetts, one of the first orders of business people are talking to me about is: What in the world did the Congress ever do in passing that prescription drug program?

I take pride in the fact we passed in the Senate a very good prescription drug program with Senator BOB GRAHAM from Florida. We received over 70 votes in the Senate. We built that program using the Medicare system, which is tried, tested, and depended upon by millions of Americans.

Medicare was defeated in 1964 and accepted in 1965 in the Senate. Right after that, we accepted the Medicaid Program to look after the neediest people in our society—primarily children, women, and disabled individuals—to take care of the poorest of the poor.

Those programs were implemented in 11 months—11 months. It has been over a year for this program to be implemented. And they did not have a computer in 1965 to implement it, but it worked on the principle of building the Medicare system similar to Social Security. American people had confidence in it, and it worked.

Well, we went to conference with the House of Representatives, and that is when the influence of the insurance industry and the drug industry came to play. They basically hijacked what was going to be a Medicare prescription drug program for our senior citizens, in a way, and drafted that program to serve not the senior citizens—not the senior citizens—but to serve the special interests.

I opposed that on the floor of the Senate. Our Republican friends forced that on through. And now it is chaos in my State of Massachusetts with that prescription drug program. Why, at least, didn't our Republican friends say: All right, let's have some real competition; let's put the private sector and Medicare—let them compete and let our senior citizens make the choice.

Do you think they would do that? No. They would not bring a program back here that was built on the Medicare system. They would not permit the seniors in my State to be able to make a choice. But they will say: We trust Medicare. It provides for our doctors' bills. It provides for our hospitalization.

THE PRESIDING OFFICER. The Senator has 5 minutes.

Mr. KENNEDY. In 1964 and 1965, when you passed that, you did not include prescription drugs because 97 percent of the private sector did not include prescription drugs. Why didn't we do the prescription drug program just like we did the Medicare Program? Simple, workable, understandable—finished.

No, no, we can't do that. We have to do it a different way. We are going to have—instead of the Medicare system, which is tried and tested and people understand—we are going to give the seniors in Massachusetts 45 different programs with different copays, different formularies, different deductibles.

There is mass confusion with that program. Not only is there mass confusion, but you have the extraordinary circumstance that when a senior says: OK. I like this formulary. I can afford this deductible. I can afford this copay. I think I will go into this because of the cost of prescription drugs—and they sign on to it. There is an enormously interesting fact; that is, the company they sign up with can change their formulary, can change the deductible and copay. Do you think the

senior can get out of that program without paying a penalty? Of course, they cannot. What kind of business is it? They feel, if the private sector can do it so well, why don't we have the competition?

Why did we have to provide a 9-percent inflater cost for all the HMOs, when people who are in the HMOs are 18 percent healthier than they are in Medicare? Add that together, my friends, and it is 25 percent more if you are in the HMO than if you are in the Medicare system. Why? Well, if that is the private sector, why isn't the private sector able to compete? Because this amounts to about a \$40 billion subsidy. Do you hear me? A \$40 billion subsidy, just like it is about a \$170 billion subsidy for the drug industry.

People wonder why the copayments are higher. Would people wonder why the doughnut is there? There it is, my friends. And with all the reforms we hear talked about, do you think we are going to get a chance to support a change in that program by adding a—build it on Medicare. Let's do that. Let's add that. Have a real even competition and see what happens out there.

But many of my colleagues feel that way. We are going to press to try to do it. The point I am making is, I care deeply about these asbestos victims. It is enormously important we get it right. This bill does not do it. But we are in this Congress, on a Friday, at 10 minutes of 11, with an empty Chamber. Why aren't we dealing with the challenges and the problems of the people back home?

I can tell you what they are concerned about. Why aren't we debating this Medicare today, this afternoon? Why are we so busy in what we are doing that we are not dealing with this issue? Why aren't we dealing with their home heating oil and the priorities? We have the President in his budget recommending, for this year, \$500 million less for home heating oil than even last year, with record profits for the oil industry—unconscionable profits for the oil industry. Paid for by whom? Average Americans. Unconscionable.

Why doesn't this President today, on this Friday, bring in the heads of the oil companies all over the country and say: You have drunk at that trough long enough. There are people up in New England and the upper Midwest and around this country who cannot afford it—who are on a fixed income—with the explosions in the cost. Because of the war in Iraq, oil costs \$60 a barrel. They did not have anything to do with it. The oil companies are reaping profits because we have turmoil in the Middle East. And we are doing virtually nothing about that this afternoon, except facing a budget that is going to make it even more difficult.

In my State, the average home owner uses three tankfuls a year—three tankfuls a year—of oil. And the neediest people in our State who qualify for this program are going to get, this

year, about one tankful. And what is the prospect for next year with the home heating oil price that we have today? They are not even going to get a full tank for the next year, unless we are—well, Mr. President, I am going to seek recognition in my own right at the present time. My time has expired?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The Senator is recognized in morning business for up to 10 minutes.

Mr. KENNEDY. Mr. President, we are talking about priorities. We are giving examples of what has been happening in terms of the cost of LIHEAP and the fuel assistance programs. Shown on this chart are all the costs going right up through the roof. We have the challenges we have been facing out in the Middle East. Education.

Why are people so concerned about a culture of corruption that has taken over in Washington? Why are they so concerned about lobbyists? Why are they so concerned about special interests? We have that debate. We are going to try to get action on this, which I will certainly support.

What we have not talked about is what those lobbyists have been doing, what the impact has been on various programs that affect working families in the middle class. I will give you one of them. Higher education. The bill that came out of the Senate had \$8 billion in student assistance. The bill that came out of the House had \$3.8 billion in student assistance and provided \$12 billion in tax breaks for the wealthy people of this country. I call that a tax on middle class people, my friends, in order to give a tax break to the wealthiest individuals.

Do you understand what I am saying? The lobbyists were able to make the student loan program work for the banks and the wealthy in this country at the expense of the middle-income families who are paying those debts now for their children to go on to education.

In my State, 67 percent of the children who go to those schools and colleges in my State get student aid and assistance. That does not include what they earn at summer jobs and what their parents contribute. They need these programs. We have seen an explosion in student loans over the period of the last 5 or 7 years. Who has been working and who has been profiting? It has been the banks—the banks.

Do you think this Senate would stand for a competition for who would provide the lowest rates for students so we could take the total student loan program and put it out for bid—for bid—similar to competition, free enterprise? Absolutely not. Absolutely not. There is that cozy relationship that exists now with Sally Mae and the loan industries that pay their executives hundreds of thousands of dollars, contribute millions and millions of dollars. And they are getting it their way.

The American people ought to understand that the lobbying has direct results. President Bush, in his last campaign and his campaign previously, said: We are going to get the Pell grants up to \$4,500—\$4,500. Do you think it is in that budget? Do you think it is even in his budget requesting \$4,500? No. I have read the space. Do you think that is in there? No. That is not even in there.

So if you are talking about what is bothering people, pick up today's newspapers. Here it is: "Mining fines among smallest." Laws limit size and allow reduction. This is the difference between the mines' penalties and the fines that are paid for other consumer product safety violations of the FCC, SEC, EPA, even OSHA. The bottom is on mine safety. That might not have saved all the lives. That might not have even saved half of the lives of those miners who have been lost, but why aren't we debating what is on the minds of the people in West Virginia, Pennsylvania, and other States today? Why aren't we dealing with their business?

Here we have on the front page of another newspaper: "White House knew of Levee's Failure on Night of Storm." This is all about Katrina and what has been going on. Sure, we have had some hearings, but why aren't we talking about some of this that is on the minds of the people? Certainly, it is on the minds of the people of Louisiana, Mississippi, and Alabama. Why aren't we talking about that this afternoon? Why aren't we doing some of that business? And then, if you look in the Washington Post: "Ex-CIA Official Faults Use of Data on Iraq."

The former CIA official who coordinated U.S. intelligence on the Middle East until last year has accused the Bush administration of "cherry-picking" intelligence. . . .

And this goes all the way through, basically saying:

"Our official intelligence on Iraqi weapons programs was flawed, but even with its flaws, it was not what led to the war." . . . Instead, he asserted, the administration "went to war without requesting—and evidently without being influenced by—any strategic level intelligence assessments on any aspect of Iraq."

People want to know. American sons and daughters are dying over there. Why aren't we talking about this?

My point is, this budget the President has put forward is not what the American people expect. It is not what they deserve, not what they are entitled to. Many of us are going to work every possible way. It is the allocation of resources. Money does not solve everything, but it is an indication of a nation's priorities—a nation's priorities as to lower heating oil costs, a nation's priorities in terms of lower drug costs, a nation's priorities in terms of education costs, a nation's priorities in having an increase in the minimum wage.

These are the things that are of concern to people. I would hope we would

get back to the Nation's business and get back to it soon. Americans are entitled to it, and we have waited too long to be able to do it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### GRAMMY WINNER BARACK OBAMA

Mr. DURBIN. Mr. President, my colleague in the Senate, Senator BARACK OBAMA of Illinois, is carrying on a grand Illinois tradition. In the history of the United States of America, only two U.S. Senators have ever won a Grammy award. The first was Senator Everett McKinley Dirksen from Pekin, IL for his album "Gallant Men," which many of us can still recall, his deep baritone voice intoning those great patriotic verses that inspired so many.

Now another Senator from Illinois became the second Senator in history to win a Grammy award in the best spoken word category at Wednesday's Grammy Awards ceremony. Senator OBAMA won his Grammy for recording his autobiographical book "Dreams for My Father." The book was first published in 1995. It is an inspirational book, telling the story of not only BARACK's life but also of his quest to understand his heritage, returning to Kenya to the tribe where his father was raised, to meet the people, to learn the stories about his origins and his family's roots. It is a wonderful book. It has become a best seller. I was given a copy by BARACK long before he announced his candidacy to the Senate and value it as a great story about a great American with whom I am honored to serve.

There was stiff competition in that category for the spoken word. BARACK OBAMA prevailed. But others in the finals included Garrison Keillor, Al Franken, Sean Penn, and George Carlin. Who came out on top? The junior Senator from Illinois, BARACK OBAMA.

I understand that Senator HILLARY CLINTON won a Grammy when she was First Lady. Now, of course, she is a distinguished Senator from New York. But she won one for recording "It Takes a Village." Her husband, former President Bill Clinton, won a Grammy for the reading of his autobiography "My Life."

So far it is a clean sweep for Illinois Senators at the Grammys. With this distinguished record, many people will want to continue to follow the career of my junior colleague, Senator BARACK OBAMA.

#### SOCIAL SECURITY

Mr. DURBIN. Mr. President, I rise to speak to an issue important to every

American, certainly important to more than 40 million who are on Social Security. Buried deep in the President's 2,349-page budget are three proposals relating to Social Security. Some of them come as a surprise.

First, President Bush recommends spending more than \$700 billion to create Social Security private accounts. If we thought this was an issue that had gone away, obviously the White House does not want to abandon it. They are talking about \$700 billion to push for Social Security privatization. Second, the President wants to reduce benefits to future Social Security beneficiaries. And third, he calls for eliminating the \$255 death benefit awarded to families of people who passed away.

The American people have made it clear to the President they are not interested in this privatization scheme. The more the President traveled across America, the more he spoke about it, fewer people supported it. It is an indication that people have genuine concerns about it and for good reason. First, they know this privatization scheme is going to make Social Security's long-term funding problems worse, not better. Second, the President's proposal will force deep cuts in guaranteed Social Security benefits for future retirees, even if they don't choose a private account. Third, partially privatizing Social Security adds trillions of dollars to our national debt by taking money out of the Social Security trust fund. And that debt, under President Bush, has reached historic levels. Finally, partially privatizing Social Security would tie America's retirement security to the uncertainty of financial markets. As there are winners and losers in the stock market every day, there would be winners and losers among retirees in America. Those who guess wrong in their investments could easily end up in a predicament where they don't have the resources they need for a safe and comfortable retirement.

The President says he is for the ownership society. We know what that means. It means we are all in this alone. We know better. When we stand together as an American family with our seniors and our most vulnerable Americans, we are stronger, stronger because we are appealing to the values that make this Nation great. Social Security privatization is not consistent with those values.

Allowing people to divert 4 percent of their Social Security taxes into private accounts sounds harmless, but it is a pay-as-you-go system. Money that is diverted is money that isn't there to pay benefits. By the President's estimation, his plan will create a \$700 billion hole in the Social Security trust fund. That is what it says in the President's budget. Who is going to make up the difference? Unfortunately, some will suggest the way to make up the difference is to borrow it. Who will lend us the money? We know who our creditors are: Japan, China, Saudi Arabia,

the OPEC nations. Many countries around the world will loan us money now, but then, of course, they are our creditors. They are our mortgageholders. We are beholden to them, creating an even greater debt for future generation, and greater vulnerability.

The benefit cuts the President has called for as well are not going to fly. He calls these benefit cuts progressive price indexing. It sounds good, cutting benefits for lower income workers less than for higher income workers, but the practical impact of the President's budget on Social Security benefits would mean that a worker 25 years old today, who retires at age 65 with career earnings equivalent to \$59,000 annually, would see a 24-percent benefit cut by the President's proposal. A similar worker, born 5 years from now, retiring at age 65, average career earnings of \$36,000, would face a 28-percent benefit cut. As people see their pension plans crumbling because of corporate mergers, bankruptcies, and sleight of hand, the President is calling for cutting basic Social Security benefits to people who are certainly not wealthy, if their average income is \$36,000 a year. These workers would be better off if the President didn't touch Social Security.

A worker born 5 years from now who retires at age 65 and has career earnings that average \$59,000 would suffer a 42-percent benefit cut.

This goes too far. I hope the Congress will not seriously consider these proposals by the President when it comes to Social Security.

It is interesting that this President is calling for cuts in Social Security at the same time he wants to cut the taxes paid by the wealthiest people in America. The cost of the President's tax cuts in 2001 and 2003, if made permanent, will be \$11.1 trillion over the next 75 years. It is the height of irresponsibility to give tax cuts to the most comfortable and wealthiest people in America and to cut the basic social safety net on which we count.

Finally, the President's budget proposes to cut the \$255 death benefit awarded to widows, widowers, and children left behind by the death of a member of their family who was covered by Social Security. The President would cut the \$255 death payment to widows and surviving children to pay for funeral expenses and then turn around and give a tax cut to people making over \$1 million a year. How can he possibly resolve the injustice that is part of that proposal?

If we are supposed to be a caring and compassionate people—and we are—wouldn't we care more for a widow who would get a check for \$255 to pay for funeral expenses than someone making \$1 million a year who would receive a \$35,000 tax cut under the President's proposal? That is why the President's priorities are upside down.

As Members start looking through this budget more closely, as we have, they are going to be startled by the