

terms of their visas as a result of a national disaster, such as Hurricane Katrina.

#### SEC. 5. CONTRACTING AUTHORITY.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness, shall propose new inspection guidelines that prohibit an inspector from entering into a contract with any individual or entity for whom the inspector performs an inspection for purposes of determining eligibility for assistance from the Federal Emergency Management Agency.

The bill (S. 1777), as amended, was read the third time and passed.

#### ORDERS FOR THURSDAY, FEBRUARY 16, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, February 16. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee, and the second 15 minutes under the control of the majority leader or his designee; provided further, that following morning business, the Senate resume consideration of the motion to proceed to S. 2271, as under the previous order. I further ask that the time until the cloture vote at 10:30 a.m. be equally divided between the two leaders or their designees.

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

Mr. DURBIN. Mr. President, if the majority leader will withhold completing business for a moment, I wish to have a few minutes to respond.

Mr. FRIST. Let me finish my comments before we close.

Mr. DURBIN. Of course.

#### PROGRAM

Mr. FRIST. Mr. President, tomorrow—to explain what we did—following morning business, the Senate will resume debate on the motion to proceed to the PATRIOT Act amendments act. The cloture vote on that motion to proceed will occur at 10:30 in the morning. Under the agreement, once cloture has been invoked on the motion to proceed, we will proceed immediately to the bill, and a cloture vote on the bill itself will occur at 2:30 p.m. on Tuesday, February 28, with a vote on final passage at 10 a.m. on Wednesday, March 1.

Mr. DURBIN. I thank the leader.

Mr. President, I will respond to some comments he made a few minutes ago. First, about the asbestos bill, I think the record speaks for itself. A 393-page bill came to the floor of the Senate. It was a fairly complicated bill, which would have affected hundreds of thou-

sands, maybe millions, of Americans over the next 50 years, and created a \$140 billion trust fund. It involved payments of billions of dollars into that trust fund by American businesses from a list that was never publicly disclosed. Then as the bill arrived on the floor, as we expected, the chairman of the Senate Judiciary Committee filed a substitute to the bill, wiping away the 393-page bill, replacing it with a 392-page bill, and then we proceeded to debate.

One amendment was called by the Senator from Texas, Mr. CORNYN. Objection was made on the floor to Senator CORNYN's amendment, and a motion to table and stop debate on his amendment was passed. At that point, we went into a question about whether that bill would satisfy the requirements of the Budget Act. Then, without another amendment being offered, the majority leader announced the Republican side was going to file a cloture motion to close down debate and amendments on this bill.

To suggest that somehow we are undating this body with amendments and debate is to overlook the obvious: One amendment was offered by a Republican Senator from Texas, and as we were waiting for the budget point of order, the majority leader suggested that we would close down debate on the bill, and that was the end of the story.

So this argument that somehow we are dragging our feet here and somehow miring down the process with amendments—the record speaks for itself. That was not the case on the asbestos bill. Last night, when the budget point of order was called, it was sustained. That means, in common terms, that the bill was returned to committee because it was not written properly.

It was not written in a way to comply with our Budget Act. So that is the state of affairs on the asbestos bill.

Now comes the PATRIOT Act. If there is any suggestion in the majority leader's remarks that anything that has happened on the floor of the Senate yesterday or today in any way endangers America, I think the record speaks for itself. That is not a fact. The current PATRIOT Act, as written, continues to protect America until March 10. We could continue debating right here on the floor of the Senate up until March 9 and even on March 10, and we would never have a gap in coverage of the PATRIOT Act as a law. So there is no endangerment of America, no lessening of our defense against terrorism by the possibility that the Senate might stop, reflect, consider, and even debate the PATRIOT Act.

I am sorry that my colleague, Senator FEINGOLD of Wisconsin, is not here to speak for himself, but he has been an extraordinary leader on this issue. He has taken a position which I think is nothing short of politically bold, if not courageous, in standing up and saying, even in the midst of terrorism, we need to take the time and debate

the core values and issues involved in the PATRIOT Act.

What has Senator FEINGOLD asked for? He has asked for an opportunity to offer perhaps four amendments, four amendments, and he has gone on to say that he doesn't want days or long periods of time to debate them. He will agree to limited debate on each amendment. Nothing could be more reasonable. What he said is the Senate needs to face reality. This is an important bill. It involves our constitutional rights. And whether I would agree or disagree with any of Senator FEINGOLD's amendments, I would fight, as long as I had the breath in my body and the strength to stand, that he have the right to express his point of view and bring this matter to a vote in the Senate. That is not unreasonable, nor is Senator FEINGOLD unreasonable in his position. And for the suggestion to be made on the floor that somehow we have dragged this out for a lengthy period of time overlooks the obvious.

The offer was made for two votes tomorrow on Senator FEINGOLD's amendment and then a cloture vote tomorrow on the bill and, if cloture were invoked, pass the bill tomorrow. That offer was rejected by the Republican majority. Why? Not because of fear of terrorism but fear of debate. Not because of fear of threats to America but fear of threats that some amendment may be adopted, somehow upsetting an apple cart. Well, that is unfortunate. But this Democratic process is an open process—at least I hope it is—and we should protect the rights of Members on both sides of the aisle to offer amendments with reasonable periods of debate. We should have actual debate on the floor and then make a decision.

One of my favorite friends and colleagues from the House was a fellow named Congressman Mike Synar of Oklahoma. He passed away about 10 years ago. I liked Mike so much. He was a close personal friend. He used to lament that so many of his colleagues in the House of Representatives were loathe to even engage in a debate on a controversial issue. He would listen to Members of the House of Representatives whining and crying about having to face a vote on a controversial issue, and Mike Synar used to say: If you don't want to fight a fire, don't be a fireman. If you don't want to vote on tough issues, don't be a Member of the U.S. House of Representatives.

Well, the Mike Synar rule applies here. If you don't want to face the reality of the debate on critical constitutional and legal issues, I don't know why one would run for the Senate.

What Senator RUSS FEINGOLD of Wisconsin has asked us to do is to consider amendments to the PATRIOT Act. What is wrong with that? That is as basic as it gets. That is why we are here. And whether I would vote for or against those amendments, I would defend his right to offer them, and I hope that the record will reflect what I have just said. He was ready to stand, offer

the amendments with limited debate, and then move this bill to a cloture vote tomorrow, which, if it were invoked, would see the passage of the bill as soon as tomorrow. That offer by Senator FEINGOLD was rejected.

So to say that we are foot-dragging on this side of the aisle or that any Democratic Senator such as Senator FEINGOLD is not trying to cooperate does not accurately state what we have been through to this moment on the PATRIOT Act.

I will close by saying that despite partisan differences, there is partisan cooperation in this Chamber, and I wish to say as I close these remarks that I want to salute Senator JOHN SUNUNU on the Republican side of the aisle; he has worked night and day over the last several months to come up with what I consider to be a reasonable way to end the current debate on the PATRIOT Act.

We stood together, we worked together, we brought the issue to the floor. I don't think it is unreasonable to give Senator FEINGOLD his moment to offer amendments with limited debate, bring them to a vote, put the Senate on the record, and move forward. To suggest otherwise does not reflect an accurate presentation of the facts as they occurred.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I find my colleague's comments in response to my statement that the problem is that we are seeing this whole pattern of obstruction and postponement—it is not just one bill, it is this whole series of bills—I find his comments responsive to several of the things I said but not really responsive to this pattern. I really just want to make that a comment and not get into a long debate about it. But I do want to point out that pattern of the things that I mentioned, like the PATRIOT Act as my colleague pointed out, it is time to bring this to a close.

This thing is going to pass overwhelmingly, and that is exactly right. I rejected options to continue to amend this forever. The problem, in part, that got us to this point is every time we come to an agreement which is a bill that, as written, will have over-

whelming support in this body, somebody will come forward and say: One more amendment, one more amendment, one more amendment.

It is exactly right. It is time to bring this to a close. This will pass with overwhelming support—not today, as it should have, or tomorrow or Monday or Tuesday, but on Wednesday morning. It is going to pass with overwhelming support.

My point is this whole delay, this postponement, is stopping the Nation's business as we have to address other important issues—whether it is our budgetary issues, whether issues on health care or education or LIHEAP, flood insurance or lobbying reform. All these issues get put off another 4 or 5 days—yes, using the rights we have on this floor. I respect that. But to no avail. It is hurting the American people, not helping the American people.

Asbestos—this is a complicated bill. It is a bill many of us have been working on for 3 years. We started the bill, not Tuesday or Monday of this week and not Friday of last week or Thursday or Tuesday, but I think it was Monday morning that we said: Let's talk about this bill, let's debate this bill and have unlimited debate. As I pointed out, they said: No, we are not going to go to the bill. We are not going to go to a bill which is an important bill which has to be addressed.

We have 700,000 individuals who have filed claims for their illnesses, and 300,000 of those claims are still pending in the courts. Tragically, as I mentioned earlier, some of the most ill among those are among the worst served because of the delay in having the cases considered, and then, once considered, even if they get compensation for every dollar that is spent, 60 cents goes to the system and the trial lawyers and only 40 cents goes to the patient.

Yet, because of this mentality of Democrats, obstructing—they say you are not going to go to the bill. You are going to have to file a motion to proceed and cloture on that motion to proceed to the bill, which is a waste of 2 days. Then the vote was either 98 to 2 or 98 to 1. So once we got to the vote, they said: We will be with you, let's go ahead and consider it. And then to hear my colleagues say: We didn't have an

opportunity to debate, when it was a request from your side of the aisle that we take a whole day, that we not have amendments but just to talk about it again—I am not sure why—but then to complain that we did not have time to offer amendments when it came to that first day—I think it was Wednesday; no amendments today—it is a little bit disingenuous, especially as it fits this larger pattern I laid out of the tax relief bill just to get to conference requiring three separate considerations on this floor, 17 rollcall votes for the first 20-hour limitation, the second 20-hour limitation requiring seven more rollcall votes, motions to instruct here all yesterday morning, nonbinding motions.

The pensions bill, I still do not fully understand why there is delay in getting the pensions bill to conference, when the first request was made in December and the second one earlier this year, and then now, on an important bill, when people are out there saying we have to address the pension bill—it passed the Senate, passed the House of Representatives—we have to get it to conference so we can come up with a final product for the President to sign.

Instead of arguing each of these individual bills, I just wanted to make the point that it is a pattern that we cannot continue. We have to work together in the Nation's interest, in the interests of the American people. Unless things are changed, we are not going to be delivering what we are responsible to do.

Anyway, that is a little bit out of my frustration with the other side of the aisle in terms of the way they have conducted business, and I believe we can work together in a civil way to address these important issues in the coming days.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

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.

There being no objection, the Senate, at 7:50 p.m., adjourned until Thursday, February 16, 2006, at 9:30 a.m.