

Whereas West Virginia is the Nation's second largest coal producing State;

Whereas an average of 7,600 pounds of coal per person per year is used in the United States;

Whereas the United States has an estimated 275,000,000,000 tons of recoverable coal reserves representing about 95 percent of all fossil fuel reserves in the nation;

Whereas coal continues to be the economic engine for many communities;

Whereas coal miners are among the most productive of all American workers, producing 7 tons of coal per miner per day, which results in coal consistently being the most cost-effective choice for generating electricity in the United States;

Whereas during the last century over 100,000 coal miners have been killed in mining accidents in the Nation's coal mines;

Whereas the Nation is greatly indebted to coal miners for the difficult and dangerous work they perform to provide the fuel needed to operate the Nation's industries and to provide energy to homes and businesses;

Whereas 13 West Virginia miners were trapped 260 feet below the surface in the Sago mine for over 40 hours following an explosion on January 2, 2006;

Whereas Federal, State, and local rescue crews worked relentlessly in an attempt to save the miners;

Whereas many residents of Upshur County, West Virginia, and the surrounding areas came together at the Sago Baptist Church to support the miners' families;

Whereas 12 miners, Thomas Anderson, Alva Martin Bennett, Jim Bennett, Jerry Groves, George Hamner Jr., Terry Helms, David Lewis, Martin Toler, Fred Ware Jr., Jack Weaver, Jesse Jones, and Marshall Winans, lost their lives on January 3, 2006;

Whereas only one miner, Randal McCloy, was safely rescued;

Whereas 2 West Virginia miners were trapped by a fire in the Aracoma Alma Mine on January 19, 2006;

Whereas Don Israel Bragg and Ellery "Elvis" Hatfield lost their lives in the Aracoma Alma Mine;

Whereas 2 West Virginia miners lost their lives in separate incidents in Boone County on February 1, 2006; and

Whereas Edmund Vance perished in the Long Branch No. 18 Mine and Paul Moss perished at the Elk Run Black Castle mine;

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Thomas Anderson, Alva Martin Bennett, Jim Bennett, Jerry Groves, George Hamner Jr., Terry Helms, David Lewis, Martin Toler, Fred Ware Jr., Jack Weaver, Jesse Jones, and Marshall Winans for their sacrifice in the Sago, West Virginia, coal mine;

(2) recognizes Don Israel Bragg and Ellery "Elvis" Hatfield for their sacrifice in the Aracoma Alma, West Virginia coal mine;

(3) extends the deepest condolences of the Nation to the families of these men;

(4) recognizes Edmund Vance and Paul Moss for their sacrifice in the Boone County, West Virginia coal mines;

(5) recognizes Randal McCloy for his stamina and courage that enabled him to survive in severe conditions for over 40 hours;

(6) recognizes the rescue crews for their outstanding effort resulting in the safe rescue of Randal McCloy; and

(7) recognizes the many volunteers who provided support for the miners' families during the rescue operations.

SENATE CONCURRENT RESOLUTION 80—RELATING TO THE ENROLLMENT OF S. 1932

Mr. FRIST submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 80

Resolved by the Senate (the House of Representatives concurring), That the enrollment of the bill S. 1932 as presented to the President for his signature on February 8, 2006, is deemed the true enrollment of the bill reflecting the intent of the Congress in enacting the bill into law.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2739. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table.

SA 2740. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2741. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2742. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2743. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2744. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2739. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 364, insert before line 1, the following:

(4) LIMITATIONS ON ATTORNEY'S FEES AND APPLICATION OF MEDICAL CRITERIA.—

(A) ATTORNEY'S FEES.—

(i) DEFINITION.—In this subparagraph, the term "reasonable fees and expenses of attorneys" means fees and expenses that are based on prevailing market rates for the kind and quality of the services furnished, except that—

(I) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the United States Government; and

(II) attorney's fees shall not be awarded in excess of a reasonable fee, unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys, for the proceedings involved justifies a higher fee.

(ii) LIMITATION.—In any civil action described under paragraph (1)—

(I) the limitations on attorney's fees under section 104(e) shall apply; or

(II) a court may award reasonable fees and expenses of attorneys.

(B) MEDICAL CRITERIA.—In any civil action described under paragraph (1), the medical criteria under section 121(d) shall apply.

On page 364, line 1, strike "(4)" and insert "(5)".

On page 364, line 22, strike "(5)" and insert "(6)".

SA 2740. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 364, before line 1, insert the following:

(4) MEDICAL CRITERIA FOR CLAIMS.—The medical criteria under section 121(d) shall apply to any civil action described under paragraph (1).

On page 364, line 1, strike "(4)" and insert "(5)".

On page 364, line 22, strike "(5)" and insert "(6)".

SA 2741. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 364, insert before line 1, the following:

(4) LIMITATIONS ON ATTORNEY'S FEES.—

(A) LIMITATION.—In any civil action described under paragraph (1)—

(i) the limitations on attorney's fees under section 104(e) shall apply; or

(ii) a court may award reasonable fees and expenses of attorneys.

(B) DEFINITION.—In this paragraph, the term "reasonable fees and expenses of attorneys" means fees and expenses that are based on prevailing market rates for the kind and quality of the services furnished, except that—

(i) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the United States Government; and

(ii) attorney's fees shall not be awarded in excess of a reasonable fee, unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys, for the proceedings involved justifies a higher fee.

On page 364, line 1, strike "(4)" and insert "(5)".

On page 364, line 22, strike "(5)" and insert "(6)".

SA 2742. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 315, line 22, strike "monetary".

SA 2743. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 386, line 6, strike all through page 393, line 3.

SA 2744. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 366, between lines 15 and 16, insert the following:

(c) APPLICATION OF THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.—Employers and their insurers who pay compensation or medical benefits or who are potentially liable to their employees and other beneficiaries for compensation or medical benefits under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) shall be entitled to—

(1) a lien for compensation and medical benefits paid; or

(2) credit, recovery, or release, as such remedies are available under section 33 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 933), except that such employers and insurers may not bring actions for such remedies against third parties as is prohibited under subsections (b) and (h) of section 33 of that Act.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold an informational hearing February 8, 2006 at 9:30 a.m. on pending nominations. Board of Directors of the Tennessee Valley Authority; Board of Trustees of the Morris K. Udall National Environmental Policy Foundation.

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

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, February 8, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Implementation of the New Medicare Drug Benefit".

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 8, 2006, at 9:30 a.m. to hold a hearing on Iraq Stabilization and Reconstruction.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 8, 2006, at 4:30 p.m. to hold a hearing on Nominations.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CORNYN. Mr. PRESIDENT, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, February 8, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Tribes and the Federal Election Campaign Act. Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, February 8, 2006, at 2 p.m., to conduct a hearing to examine procedures to bring greater transparency to the legislative process.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 8, 2006 at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS, PRODUCT SAFETY, AND INSURANCE

Mr. CORNYN. Mr. PRESIDENT, I ask unanimous consent that the Subcommittee on Product Safety, and Insurance be authorized to meet on Wednesday, February 8, 2006, at 2:30 p.m., on Protecting Consumers' Phone Records.

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

PRIVILEGES OF THE FLOOR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the following Judiciary Committee interns and clerks be granted the privilege of the floor for the remainder of debate on S. 852, the Fairness in Asbestos Injury Resolution Act of 2005: Adam Adler, Jessica Kane, Robert Newell, and Raj Parekh.

The PRESIDING OFFICER. Without objection, so ordered.

EXECUTIVE SESSION

NOMINATION DISCHARGED

Mr. FRIST. As in executive session, I ask unanimous consent that Calendar No. 424, Roland Arnall, be referred to the Committee on Foreign Relations; I further ask consent that the committee then be immediately discharged from further consideration of the nomination and the Senate proceed to its consideration; provided further that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately

notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is, as follows:

DEPARTMENT OF STATE

Roland Arnall, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ENROLLMENT OF S. 1932

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 80, which was submitted earlier today, the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 80) was considered and agreed to, as follows:

S. CON. RES. 80

Resolved by the Senate (the House of Representatives concurring). That the enrollment of the bill S. 1932 as presented to the President for his signature on February 8, 2006, is deemed the true enrollment of the bill reflecting the intent of the Congress in enacting the bill into law.

HONORING COAL MINERS AND RESCUE CREWS IN WEST VIRGINIA

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 370, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 370) honoring the sacrifice and courage of the 16 coal miners killed in various mine disasters in West Virginia, and recognizing the rescue crews for their outstanding efforts in the aftermath of the tragedies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, today, together with Senator ROCKEFELLER and the West Virginia delegation in the House, I have submitted a resolution honoring the 16 coal miners who perished this year in the State of West Virginia. They are: Tom Anderson, Alva Bennett, Jim Bennett, Jerry Groves, George Hamner, Jr., Terry Helms, Jesse Jones, David Lewis, Martin Toler, Jr., Fred Ware, Jackie Weaver, and Marshall Winans who perished in the Sago Mine in Upshur County, WV.

They are Don Bragg and Ellery Hatfield who perished in the Aracoma Alma Mine in Logan County, WV.