

They are Paul Moss and Edmund Vance who perished in separate mines in Boone County, WV.

While the names of these coal miners have become known to many of us, we must not forget that there are many more coal miners whose tragic deaths are not chronicled in the national media. They die quietly in their homes of black lung disease. They die anonymously in mine accidents across the Nation. Their families mourn, their families grieve their loss without national attention.

I pay tribute to all of those who have fallen in our Nation's mines and to their families who must bear their loss. A grateful Nation owes its eternal thanks.

Mr. ROCKEFELLER. Mr. President, I wish to associate myself with the remarks of my distinguished senior senator, Mr. BYRD, and rise to ask my colleagues to take up and adopt our resolution honoring miners in West Virginia and throughout this country who work hard in dangerous situations to provide energy this Nation needs.

The attention of the world was focused on small towns in my State of West Virginia in the first two months of 2006. When 12 miners were found to have died in the Sago Mine in Upshur County in early January, the hopes and prayers of a global television audience were dashed along with those living the tragedy in the Sago Baptist Church.

Americans and our friends around the world tuned in again when miners became trapped by a belt fire in the Alma Mine in Logan County later in January. I was sitting with the families of the trapped miners when they heard the news we were all dreading. It was a profoundly sad and moving moment, one I will never forget, and an experience which I cannot do justice to here.

When tragedy struck again at two mines in Boone County it was almost more than any of us could bear. After these accidents, the Governor of my State of West Virginia, Joe Manchin, who has been a stalwart throughout these trying times, called for a temporary stand-down in West Virginia mines to reinforce and reinvigorate mine safety procedures. I was pleased to see that the Mine Safety and Health Administration, MSHA, came into West Virginia in numbers to assist State officials, and later instituted a 1-hour safety refresher for all U.S. mines under its authority. In Pennsylvania, Governor Rendell emulated Governor Manchin in calling for renewed safety training for mines throughout the Commonwealth.

Mining, as we know, is an inherently dangerous profession, but it is a vital component in our Nation's economy. Without coal from Appalachia, the Illinois Basin, the Powder River Basin, and various other regions throughout the U.S., our economy shuts down. Coal provides more than half our electricity, and coal conversion technologies will soon allow America's most abundant

mineral resource to provide transportation fuels and chemical feedstocks as well. If the United States of America is ever going to lessen its dependence on foreign sources of energy, you can be sure that the miners will lead the way. These are men and women who do a job most Americans understand little about, and until tragedy periodically reminds the Nation, most Americans probably do not even think about. Coal production is increasing across the country and around the world. Coal is on the rise, and safety has to be, too.

Mine safety has been very much in the thoughts of every West Virginian these first two months of 2006. In 2005, West Virginia lost miners also, as did Alabama, Ohio, Wyoming, Pennsylvania, and Kentucky. Mr. President, 2006 has already seen mine fatalities in Kentucky and Utah. As these tragedies show, and as MSHA's nationwide action and Governor Rendell's actions in Pennsylvania suggest, mine safety is a national issue and improving it must be a national priority.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 370) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 370

Whereas coal generates more than half of domestic electricity, providing millions of Americans with energy for their homes and businesses;

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.

#### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I have been stating that we have been prepared to consider some of the additional nominations that are on the Executive Calendar and are available for consideration. There are a number of nominations being held up for one reason or another. But I am particularly concerned that a group of nominations is being held up for reasons unrelated to their qualifications or job responsibilities. We have several senior Department of Defense nominations and intelligence nominations that we need to consider.

We will begin the amendment process to the asbestos bill beginning tomorrow morning, and my intention is to see if we can schedule debate and votes on these nominations. If we are unable to do that, then I will file a cloture motion on the nomination, with that vote occurring Friday.

#### NOMINATION OF ERIC S. EDELMAN TO BE UNDER SECRETARY OF DEFENSE—MOTION TO PROCEED

Mr. FRIST. Mr. President, I ask unanimous consent that at 9:30 a.m. on Friday, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 309, Eric S. Edelman to be Under Secretary of Defense, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Mr. President, I understand that an objection would be put forward from the other side of the aisle.

Mr. President, I move that the Senate proceed to executive session for the consideration of Calendar No. 309.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy.

#### CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Eric S. Edelman of Virginia to be Under Secretary of Defense for Policy.

Bill Frist, Mel Martinez, Jeff Sessions, John Thune, Arlen Specter, Larry E. Craig, David Vitter, Sam Brownback, Lisa Murkowski, Richard Shelby, Pat Roberts, Richard Burr, George Allen, Jim Talent, Judd Gregg, John Ensign.

#### LEGISLATIVE SESSION

Mr. FRIST. I ask unanimous consent that the Senate now resume legislative session.

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

#### ORDERS FOR THURSDAY, FEBRUARY 9, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, February 9. 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 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; further, that the Senate then resume consideration of S. 852, the asbestos bill.

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

#### PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will continue to debate S. 852, the asbestos bill. Amendments are in order, and I expect Members to come forward with their related amendments. We will be prepared to debate

and vote in relation to the amendments. I hope we can make progress on the bill.

We have spent the last few days debating, which is important, but now is the time to work through the underlying issues in the bill before I expect votes to occur on Thursday. As I have stated repeatedly, Friday will be a working day, and we now have a cloture vote scheduled for Friday morning on a nomination.

I also hope that we can continue to move forward on the asbestos bill on Friday as well. We have 2 more days this week, and we need to make the most of that time. Senators should be prepared for busy days for the remainder of the week.

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.

The PRESIDING OFFICER. In my capacity as Senator from South Carolina, I ask unanimous consent that the quorum call be dispensed with.

Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow morning.

Thereupon the Senate, at 7:53 p.m., adjourned until Thursday, February 9, 2006, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate February 8, 2006:

##### DEPARTMENT OF STATE

PATRICIA P. BRISTER, OF LOUISIANA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COMMISSION ON THE STATUS OF WOMEN OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

##### THE JUDICIARY

SANDRA SEGAL IKUTA, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE JAMES R. BROWNING, RETIRED.

MICHAEL BRUNSON WALLACE, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CHARLES W. PICKERING, SR., RETIRED.

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

LT. GEN. ROBERT R. BLACKMAN, JR., 0000

##### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

##### To be lieutenant

MICHAEL W. ALBERT, 0000  
DAVID J. ALDOUS, 0000  
LEONARD H. ALLEN, 0000  
DAVID M. ALVAREZ, 0000  
SAMUEL L. ALVORD, 0000  
DAVID F. AMBOS, 0000  
JASON K. APPLEBERRY, 0000  
SEGUNDO J. ARGUDO, 0000  
REGINALD I. BAIRD, 0000  
RYAN A. BARONE, 0000  
SCOTT P. BARTON, 0000  
ANNE M. BECKER, 0000

ROBERT W. BILBO, 0000  
MICHAEL L. BOWMAN, 0000  
LANCE J. BRANT, 0000  
RICHARD J. BURKE, 0000  
VICTOR G. BUSKIRK, 0000  
ANDRES CAMARGO, 0000  
DONALD B. CAMPBELL, 0000  
JAMES D. CANNON, 0000  
CHRISTY S. CASEY, 0000  
JUSTIN M. CASSELL, 0000  
JOHN T. CATANZARO, 0000  
ROBERT S. CLARKE, 0000  
PAUL J. COLEMAN, 0000  
JEFFREY M. COLLINS, 0000  
ROSS E. COMER, 0000  
CARLOS M. CRESPO, 0000  
PAUL J. CROOKSHANK, 0000  
MARTIN J. DIETSCH, 0000  
BRIAN J. DONAHUE, 0000  
WILLIAM R. DUNBAR, 0000  
BRYAN L. DUNLAP, 0000  
CHARLES ENGBRING, 0000  
TOM ENGBRING, 0000  
JAY S. FAIR, 0000  
PAUL A. FAWCETT, 0000  
KRISTYON N. FINCH, 0000  
JASON F. FRANK, 0000  
FRANK A. FUSCO, 0000  
CARLOS F. GAVILANES, 0000  
GREG S. GEDEMER, 0000  
AARON G. GREEN, 0000  
CATHARINE D. GROSS, 0000  
ANTHONY D. GUILD, 0000  
MARK A. HAAG, 0000  
CHRISTOPHER E. HALEY, 0000  
JOY E. HALL, 0000  
ROBERT P. HILL, 0000  
FRANK L. HINSON, 0000  
GILES C. HOBACK III, 0000  
MATTHEW M. HOBBS, 0000  
ROBERT E. HOLLING, 0000  
TIMOTHY D. HOWARD, 0000  
THOMAS P. HRVNYSHYN, 0000  
DONALD K. ISOM, 0000  
JACK W. JACKSON, 0000  
THOMAS A. JACOBSON, 0000  
WESTON R. JAMES, 0000  
DOUGLAS A. JANNUSCH, 0000  
JOHN W. KASER, 0000  
RICHARD J. KAVANAUGH, 0000  
TONYA G. KELLEY, 0000  
RAYMOND S. KINGSLEY, 0000  
ANDREW C. KIRKPATRICK, 0000  
SHAWN A. LANSING, 0000  
PATRICK J. LEE, 0000  
JOSEPH J. LEONARD, 0000  
JOHN R. LUFF, 0000  
EZEKIEL J. LYONS, 0000  
RICHARD A. MACH, 0000  
STEVEN D. MAHANY, 0000  
ROBERT J. MANNING, 0000  
CHARLES MARINO, 0000  
RONAYDEE M. MARQUEZ, 0000  
TIMOTHY R. MARTIN, 0000  
STEPHEN MATADORA, 0000  
JAMES J. MAZEL, 0000  
BRIAN K. MCCAUL, 0000  
JAMES M. MCCLAY, 0000  
KERRI W. MEKILIN, 0000  
ROBERT A. MOOMAW, 0000  
DAVID J. MOORE, 0000  
FERDINAND MORALES, 0000  
MICHAEL J. MUNNERLYN, 0000  
JOHN R. NIMS, 0000  
JESSICA E. NOEL, 0000  
BRYAN K. ODITT, 0000  
DAVID M. OTANI, 0000  
HECTOR M. PACHECO, 0000  
CHARLES N. PARHAM, 0000  
MICHAEL L. PARKER, 0000  
JEFFREY C. PETERSON, 0000  
JOSE L. RAMIREZ, 0000  
CHRISTIAN P. RIGNEY, 0000  
JUSTO E. RIVERA, 0000  
DAVID J. ROBERTS, 0000  
RICHARD D. RUSSELL, 0000  
PAUL T. SANGER, 0000  
BRENT R. SCHMADEKE, 0000  
WILLIAM A. SCHRADE, 0000  
JOHN R. SCOTT, 0000  
HEATHER D. SKOWRON, 0000  
SAMUEL L. SLAY, 0000  
BRADLEY L. SMITH, 0000  
JASON S. SMITH, 0000  
LAWRENCE W. SOHL, 0000  
LANE A. SOLAK, 0000  
GABRIEL J. SOMMA, 0000  
LANE G. STEFFENHAGEN, 0000  
THOMAS M. STOKES, 0000  
JOHN R. STRASBURG, 0000  
RODERICK A. STRUBB, 0000  
JONATHAN E. SULLIVAN, 0000  
CAROL M. SWINSON, 0000  
JOHN K. TITCHEN, 0000  
TERRY R. TRELFOED, 0000  
SHAUN T. VACCARO, 0000  
THOMAS C. VAUGHN, 0000  
STEPHEN E. WEST, 0000  
TODD C. WIGGEN, 0000  
CHARLES WOJACZYK, 0000  
MARCUS P. WONG, 0000  
MAURICE M. YORK, 0000  
STEVEN M. YOUNG, 0000  
JACOB A. ZALEWSKI, 0000  
PETER J. ZAUNER, 0000  
PETER E. ZOHIMSKY, 0000