

planes and various symbols of prosperity in the Western World. Unfortunately, it took a devastating attack such as 9/11 for us to really begin to realize that this war is a war to the finish.

In the 9/11 attack there were more people killed than at Pearl Harbor. This was a serious assault on America. It was an attack on America. We began to realize that al-Qaida is not interested in talking about peace. As a group of extremists, they are not interested in conducting diplomatic relations. They don't want to compromise. They are fanatics who only want to kill, maim, and destroy.

Al-Qaida is a very sophisticated enemy that operates in dozens of countries, including the United States. They have global reach, as seen by their bombings in London, Madrid, and Jordan. This organization works clandestinely, in the shadows, and is very hard to track much less to stop. Most Americans realize that. We have been fortunate that we have not been attacked again since September 11. We all know those attacks could come at any time, but that does not make these attacks inevitable. These terrorists can be stopped. We have the tools at our disposal that we can and must use to defeat al-Qaida. The President's use of the National Security Agency program has to be one of those.

Let's be clear. The President promised after September 11 that he would direct every resource at his command—whether it is diplomatic, intelligence, or military tools—to disrupt and defeat the global network of terror. Americans all over stood up and praised him for stepping forward. The media praised him for stepping forward because we all realized this was unprecedented in American history, and it could not be ignored. It had to be addressed immediately.

The terrorist surveillance program is a very important tool in that effort. The program is narrowly focused. It only targets communications when one party is outside the United States and the reasonable information suggests that at least one party is a member of al-Qaida or an affiliated terrorist group. This program is not being used to listen in on communications of innocent Americans. Those people who want to put a slant against this program, they call it a domestic program. It is not a domestic spy program. It is an extension of our information gathering outside the borders of the United States. It just so happens that we have people in the United States who have aligned themselves with those terrorist groups to harm American citizens.

I think most Americans understand that if they want to have a secure home, if they want to have security for their families, these individuals have to be followed and we have to do what we can to prevent these catastrophic, terrorist-driven events from occurring.

The President takes full responsibility for moving forward. He even

mentioned it in his State of the Union Address. But he has done it in a responsible way. He has followed the reauthorization process every 45 days to ensure that innocent Americans are not being targeted and that the program is working successfully. Republican and Democratic leaders of the Congress have been briefed on this program more than a dozen times since 2001, and no Member of Congress, Republican or Democrat, expressed any concern about this program until it was reported publicly in the press last December.

Here is a problem that this brings up: so many times reports about these intelligence programs, when they come out in the press, are wrong. I have served on the Intelligence Committee. I have taken the opportunity to be briefed on these intelligence programs. But most of what shows up in the press out there is wrong. Those of us who really know the story and would respond cannot respond because in the process of response you may actually validate the fact that it is an intelligence program—which you don't want al-Qaida or the terrorists to know. And the other thing is, if you respond to those accusations that are made in those news articles that are wrong, you have to bring out the facts which just fully disclose what our intelligence program is. With full disclosure, then you tip off the terrorists as to what we are up to.

I think it has been reported time and time again in the testimony before our committees that it is hurting our intelligence program. We are not gathering the information that we were gathering before because, in effect, the terrorists have simply shut down because they have realized what has happened and what our capabilities are in gathering this intelligence. At times, with disclosure of some of these intelligence programs, we have actually had Americans who are in the process of collecting information die as a result—perhaps individuals overseas who are acting on behalf of the United States.

We need to protect this tool because we all know that the enemy listens. They have not stopped their intelligence gathering and would love nothing better than for us to begin a discussion about the operational aspects of these sensitive programs. Compounding this difficulty is the fact that many of the press reports, according to Attorney General Gonzales, have in almost every case—and he confirms what I just said—been misinformed, inaccurate, or just outright wrong.

I support the President. I believe it is a responsible tool to use in the war against terrorism. If we do not use it, we are going to lose our ability to secure the homes of Americans. I think most Americans understand that. We must use these tools provided by law to combat our continued threat. We cannot sit and hope that terrorists will not attack us again.

We should not play into the hands of the terrorists. We now see the danger

in front of us. We see what must be done. We simply must go out and do it and do it in a responsible way. The President's intelligence-gathering program is effective and it is responsible to support him if we want to have security for our families and our homes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent I may have 15 minutes to speak as in morning business.

The PRESIDING OFFICER. The Senator has that right, so he may proceed without objection.

#### EXPANDING EDUCATIONAL OPPORTUNITIES

Mr. AKAKA. Mr. President, the time has come to put our money into action and expand educational opportunities in science, math, and foreign languages.

I began my professional career as an educator. Fighting to ensure a prosperous future for our country and for Hawaii's children is why I am in Congress today. I hope this year we will see real progress by the enactment of legislation to make a real difference, for both the short- and long-term, in science, math, and foreign language education.

I applaud President Bush's call in his State of the Union Address for increasing the number of teachers in math and science and making college-level courses more available to low income high school students. It is unfortunate that the budget reconciliation bill recently passed by the House cut \$12 billion from the Federal student loan program, while the tax reconciliation bill we considered last week provides \$70 billion in tax cuts for the wealthy. I know I am not alone when I say supporting college level courses in high school is no substitute for going to college. We need both and more of each.

Robbing Peter to pay Paul robs our youth of their future.

We need to make a sustained commitment to addressing critical educational issues in science, math, and foreign languages. The President is correct that America's ability to compete in global markets, and to defend ourselves against foreign threats, depend on our ability to educate future generations.

Four years ago, Senator DURBIN and I joined forces with a bipartisan group of Senators to introduce legislation to strengthen national security by encouraging the development and expansion of programs to meet critical needs in science, math, and foreign languages at the elementary, secondary, and higher education levels. I also introduced legislation to strengthen education opportunities for Federal employees in these critical areas, and improve the government's recruitment and retention of individuals possessing these skills. Last year, Senators COCHRAN, DODD, and I introduced legislation

to develop a national foreign language strategy.

Some of our proposals have become law. Others were passed by the Senate, but the House refused to consider them. The Intelligence Reform Act of 2004 established two things promoted in our legislation. First, a rotation program to help mid-level Federal employees in the intelligence community improve their skills; and second, a scholarship program for individuals who possess critical skills, especially those in science, math, and foreign language, in exchange for service with the Federal Government.

Still, America should rightly ask: why has it been so hard to make even these modest improvements? Especially when there have been numerous national studies and commissions that conclude we need to do better at educating Americans.

In 2001, the Hart-Rudman Commission said that America needs a workforce skilled in science, math, computer science, and engineering. They said that the failure to foster these skills was jeopardizing America's position as a global leader. The commission also found that the maintenance of American power in the world depends upon the quality of U.S. Government personnel. It requires employees with more expertise in more countries, regions, and issues. This includes a commitment to language education.

Legislation that I introduced along with my colleagues, some of which dates back to 2001, contains vital components that should be considered as we debate the President's proposed education initiatives.

Some of these programs include: Funding the Federal Government's student loan repayment program for positions critical to national security and for staff with science and foreign language skills; providing financial incentives, including subsidized loans, for students earning degrees in science, mathematics, engineering, or a foreign language; establishing grant programs for local educational agencies that engage in public-private partnerships to improve science and math education; awarding fellowships to students who agree to work for the Federal Government and to Federal workers who wish to develop skills in critical national security fields; encouraging early foreign language study in our elementary and secondary schools by establishing foreign language partnerships for teacher training; promoting innovative foreign language programs through grants to higher education institutions; and establishing a National Foreign Language Coordination Council and language director to develop and oversee the implementation of a national language strategy that reflects input from all sectors of society.

The intent of these programs is to support a revitalized, re-energized educational system in these critical areas from elementary through graduate school and improve the skills of our current labor force.

Some of the programs would enhance certain skills of our Nation's teachers at all levels while providing them with the tools they need to sustain the development of our Nation's youth.

For example, one program would develop foreign language partnerships between local schools and higher education foreign language departments to enhance teacher training and develop appropriate foreign language curricula.

If we want to ensure America's future competitiveness in global markets, we need to engage America's industry in assisting our youth to develop the skills industry needs to compete.

Another program proposed in our legislation establishes public-private partnerships to encourage the donation of scientific laboratory equipment, provide internship and mentoring opportunities, and to award scholarship funds for students in critical areas.

To survive in a diverse world, Americans need to harness their natural diversity and expand linkages to their larger community. Education must be seen as a community effort.

We must think more broadly when it comes to foreign languages. The program that Senator DURBIN and I envisioned includes immersion programs where students take a science or technology related class in a non-English speaking country, or a cultural awareness program in which foreign language students study the science and technology issues of that country. It is important to understand what other countries are doing in science and technology before foreign innovations surpass our own.

I am glad that President Bush has recognized that action must be taken to improve education in these critical areas by calling for increasing the ranks of advanced placement and international baccalaureate teachers and expanding access to AP and IB classes. I also thank him for finally taking steps to strengthen foreign language education in the U.S. with the National Security Language Initiative.

However, real commitments need to be made.

If we do not see education as a continual process for both the student and the teacher, a process designed to engage younger and older generations alike, then we will have created a product of only limited duration—a band-aid for our intellectual security.

We need to think beyond high school and college level work. We need to engage all levels of schooling and, beyond that, we need to enhance our current workforce. We cannot afford to neglect today's workforce if we want to be successful building our future.

I yield the remainder of my time. 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. KENNEDY. Mr. President, I understand there is 12 minutes remaining on our side in morning business and then we will go to the bill itself.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I yield 12 minutes, and then I ask for recognition because I intend to speak on the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 852, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 852) to create a fair and efficient system to resolve claims of victims of bodily injury caused by asbestos exposure, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with amendments.

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 852

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fairness in Asbestos Injury Resolution Act of 2005" or the "FAIR Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Findings and purpose.  
Sec. 3. Definitions.

### TITLE I—ASBESTOS CLAIMS RESOLUTION

#### Subtitle A—Office of Asbestos Disease Compensation

Sec. 101. Establishment of Office of Asbestos Disease Compensation.  
Sec. 102. Advisory Committee on Asbestos Disease Compensation.  
Sec. 103. Medical Advisory Committee.  
Sec. 104. Claimant assistance.  
Sec. 105. Physicians Panels.  
Sec. 106. Program startup.  
Sec. 107. Authority of the Administrator.

#### Subtitle B—Asbestos Disease Compensation Procedures

Sec. 111. Essential elements of eligible claim.  
Sec. 112. General rule concerning no-fault compensation.  
Sec. 113. Filing of claims.  
Sec. 114. Eligibility determinations and claim awards.  
Sec. 115. Medical evidence auditing procedures.

#### Subtitle C—Medical Criteria

Sec. 121. Medical criteria requirements.