



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, MONDAY, FEBRUARY 6, 2006

No. 12

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 7, 2006, at 2 p.m.

Senate

MONDAY, FEBRUARY 6, 2006

The Senate met at 2 p.m. and was called to order by the PRESIDENT pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, the center of our joy, we find our delight in You. Thank You for giving us the desire to commit our lives to You and to trust You to fulfill Your purposes for creating us. Cleanse our hearts and thoughts so that we will be worthy to live in Your presence.

Bless our lawmakers. Give them confidence in You that will free them from fear of an uncertain future. May they live lives that boldly proclaim that You are at work in our world. Remind them of their accountability to You and that to whom much is given, much is expected.

Help us all to love others with the kind of love we have received from You. Lead us from blindness to sight and from illusion to reality. Make us grateful and faithful stewards of Your blessings, as we rejoice to be Your sons and daughters.

Today, we again remember Your daughter, Coretta Scott King.

We pray in Your loving Name.
Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this afternoon we have scheduled a period of morning business. I mentioned at the close of business last week that it had been my intention to begin consideration today of the bipartisan asbestos legislation. Unfortunately, we are unable to start consideration of the bill itself today because of an objection that has come forth from the other side of the aisle. Therefore, it will be necessary to file a cloture motion on the motion to proceed to the asbestos bill. Unfortunately, this will delay starting the bill, but I hope cloture will be invoked and we will be able to discuss the substance of that bill.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2005—MOTION TO PROCEED

Mr. FRIST. Mr. President, I now move to proceed to Calendar No. 131, S. 852, the Fairness in Asbestos Injury Resolution Act.

Further, I ask unanimous consent that the motion be set aside until 3 p.m. today. Before the Chair rules, we expect Chairman SPECTER to begin the debate at 3, and we welcome additional speakers to come down this afternoon on the topic of asbestos reform.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I will have more to say on the significance of this bill in a few minutes. We will be filing the necessary cloture motion prior to adjourning today. Under the order from last week, that vote will occur at 6 p.m. tomorrow night. I will be leading a bipartisan Senate delegation attending the funeral of Coretta Scott King tomorrow, and we delayed that vote to accommodate the travel of those Senators. So that vote will be at 6 o'clock tomorrow night.

For the remainder of the week, we expect to be on the asbestos bill and to make progress on consideration of that important piece of legislation by considering relevant amendments. Senators can expect votes each day as we debate and vote on those amendments.

We also may have to revisit the Tax Increase Prevention Act, the Tax Relief Act, this week once again when we receive the House message on the bill. We passed that bill last week by a vote of 66 to 31. We discussed a whole range of amendments and voted on the amendments at the end of last week. It is time to get that bill to conference. I hope that we can work together to come to an agreement and arrangement to get that bill to conference without much of a delay. I will be talking to the Democratic leader as we determine how to expedite that process.

I encourage Members to come to the floor this afternoon to discuss the asbestos litigation that we will begin formally on Tuesday, if allowed by the motion to proceed. For this piece of legislation, it is now or never. I said months ago we would be considering

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S697

the asbestos litigation or asbestos reform early on, and that time has now come.

CHICKAMAUGA LOCK IN TENNESSEE

Mr. FRIST. Mr. President, on another issue, I rise to briefly address an issue that is of critical importance to Tennessee, to the region around Tennessee, and to economic development.

Every year, millions of tons of cargo pass through Chickamauga Lock in my home State of Tennessee. This critical structure is the commercial gateway to more than 300 miles of navigable waterways that serve 16 States in the region. Workers, small business owners, and communities all across that region depend on the lock to work smoothly every day, around the clock.

But all of this is at risk. All of this is in danger. After 65 years, Chickamauga Lock needs to be replaced. It is being destroyed by a chemical reaction known as "concrete growth." The lock is crumbling and engineering experts tell us that it is only a matter of time before the lock fails, and we cannot let that happen.

That is why I want to draw attention to the President's request today, which came out in the budget, to fund continued construction of the new lock. It is the first White House budget proposal to contain construction funding since Congress authorized that new lock in 2003. I thank the President for his attention to this pressing issue.

I have held countless conversations with the administration on the importance of constructing the new lock, and I appreciate the President and the administration taking this bold action.

America's transportation system is the lifeblood of our economy. Without airports and railways and seaports and highways, our products would never have the opportunity to be moved, goods would never be exchanged in the global marketplace, and commerce would simply come to a halt.

One of the most overlooked elements of America's transportation network is our inland waterway system. Commerce literally flows over and through a vast network of more than 12,000 miles of inland and coastal waterways. Water transportation is often the most efficient, inexpensive, and environmentally friendly method of shipping cargo over long distances.

In 2003, with my support, Congress authorized the construction of a new lock that would meet the region's economic needs. I fought hard to provide the necessary Federal funding to begin work on this project and worked closely with the administration to ensure adequate funding is available to get the job done.

Today's budget request of \$27 million represents a major investment, and we are all working together as a team to make it a success.

I am tremendously proud of all the hard work that has taken place to re-

serve this vital economic corridor. Moving forward with this construction is important to our transportation infrastructure, and my colleagues and I have worked hard to make sure that new lock is built.

In fact, I particularly thank Congressman ZACH WAMP for his tremendous leadership in this endeavor.

While there is a lot more to be done in replacing that Chickamauga Lock, it is a major priority to me, and I will continue to work with my colleagues at the local, State, and Federal levels to make this project a success.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from West Virginia is recognized.

MINE DISASTERS

Mr. BYRD. Mr. President, it has been 36 days since 12 coal miners perished at the Sago Mine in Upshur County, WV. One died from the explosion that ripped through the underground mine. The other 11 succumbed to carbon monoxide poisoning.

It has been 18 days since two coal miners perished in an underground fire at the Aracoma Alma in Logan County, WV. It has been 5 days since two miners perished in separate mine accidents in Boone County, WV.

Sixteen coal miners dead, in four separate accidents, in only 36 days.

These deaths have shaken communities across the State of West Virginia and alarmed a nation. Three additional coal mine fatalities in the States of Utah and Kentucky in the last 28 days confirm that this series of accidents is national in scope and demands swift action.

Mr. President, after years of delay, the Coal Mine Safety and Health Administration at last acknowledges the need to reassess some technology and regulations but cannot give any definite timetable about when the action will be taken. I, for one, do not want to see more delay. This Federal Government, which is empowered by our Constitution to "promote the general welfare"—and that applies to our Nation's coalfields as well as anywhere else—must not wait.

The West Virginia congressional delegation has introduced legislation outlining a series of actions that can be taken immediately to make America's coal mines safer. We know, for example, that technology exists right now

to improve mine rescue communications. We know that additional emergency breathing devices can be stored in the mines. We can do these things today, right now. The Senate could pass the West Virginia delegation bill today to implement these requirements in the mines.

I have asked the Republican and Democratic leadership to schedule immediate action on this matter. The Democratic leadership has pledged to do everything it can, and the Republican leadership has been very positive in its response. A bipartisan and growing coalition of Senators from mining and nonmining States has asked to be added as cosponsors to our legislation. They recognize its importance and the need for its immediate passage.

I have spoken with the chairman and with the ranking member of the Senate Health, Education, Labor, and Pensions Committee, and they fully understand the urgency driving this legislation. They not only organized a committee trip to Sago Mine in January, but they also committed to reviewing the West Virginia delegation bill within hours of its introduction. These Senators are on our side.

I am confident they will do all they can do to ensure quick action. I am happy to work with all Members of the Senate to expedite passage of this bill. With quick work, I see no reason why this Senate cannot move expeditiously. We should and, in fact, we must. Every day we delay increases the risk for coal miners in the field.

While four deadly accidents in the past 36 days occurred in West Virginia, any State in the Union with coal mines could be next. Today it is my State of West Virginia and the States of Kentucky and Utah that mourn the tragic loss of life in our coal mines. Tomorrow it could be Pennsylvania, Alabama, Indiana, Virginia, Ohio, or Illinois. Who knows.

I was at the memorial service for the miners who died in the Sago mine disaster. I saw their families. I saw their grief. I saw their pain. I have no desire to see more. The longer we wait to approve this legislation, the more likely it is that additional miners will die. If more miners die, more mines could be closed and for longer periods of time in order to ensure safety. Mine closures not only will put families out of work but will also disrupt coal and energy production, with the economic effects rippling across the national economy.

We must never forget that a coal miner has the legal right to walk out of an unsafe coal mine. A miner cannot be forced to work if he or she feels their life is threatened. Today when coal provides such an important part of this Nation's energy supply and our Nation is dangerously dependent upon foreign oil, we must keep our coal mines open and operating, but first we must make them safe.

For the sake of America's coal miners, for the sake of their families and their communities, and for the sake of