

1, 2006, as “National Asbestos Awareness Day.” Submitting this resolution is one small step in an effort to raise awareness of this dangerous substance and the painful effects that exposure to asbestos has caused throughout this country. Last year the Senate unanimously passed a similar resolution. It is my hope that designating another National Asbestos Awareness Day will serve as a reminder that exposure to asbestos remains a significant problem in this country, asbestos-induced illnesses continue to kill or disable Americans at an alarming clip, and our resolve to adequately protect the rights of these victims must not falter.

There is no safe level of exposure to asbestos. Despite this fact, the substance still routinely manifests itself in too many work environments. According to the Occupational Safety and Health Administration (OSHA), 1.3 million Americans still face significant asbestos exposure in their workplaces. Some estimate that more than 27.5 million workers have been exposed to asbestos while on the job.

We know too well that the effect of exposure can be deadly. Diseases caused by asbestos include cancers of the lung, digestive tract, colon, larynx, esophagus, kidney and some types of lymphoma; pleural disease; asbestosis; and, of course, mesothelioma. For many of the more serious, asbestos-related diseases, there is no cure.

These devastating illnesses take the lives of thirty Americans each day and ten thousand Americans each year. Countless others were exposed in their neighborhoods, in school yards and at home. Hundreds of thousands of men and women have died or become severely ill due to asbestos exposure.

The cases of disease and death caused by asbestos exposure are not abstractions. Real lives are affected and destroyed by this dreadful substance. I have received countless letters from victims of asbestos-related diseases and their families. Each one shares another story of loss and of pain, of sickness and of tragedy.

Adrienne Zapponi of Wellington, NV witnessed firsthand what asbestos does to the human body. Her husband suffers from asbestos exposure. In her letter she wrote, “[My husband] cannot enjoy a single day of life because he has 40% lung capacity. This means that he can’t walk for any distance, he can’t do simple jobs around the house such as mow the lawn, he can’t remember things such as when to take his medication, he can’t drive because he is drowsy and can’t concentrate on the road.”

Margy Urnberg from Carson City, NV had a father, Ronald Johnson, who died from asbestos exposure. He worked in a vermiculite mine and second-hand exposure from living in Libby, MT. Alan Reinstein, the Cofounder and Director of Communications of the Asbestos Disease Awareness Organization, is suffering from acute mesothelioma. Alan is fighting bravely and has responded to his illness as a call to action.

Yesterday I mentioned our brave veterans who have been exposed to asbestos, and the difficulty they have encountered in seeking compensation for that exposure. Steven Mitchell served ten years in the U.S. Navy as a boiler man. He worked in the engine and boiler rooms on several ships handling asbestos insulation on a daily basis. After leaving the Navy, he returned to work on his family farm raising wheat.

Steven was diagnosed with mesothelioma and spent his last days in a V.A. Nursing Home. Due to the intense pain, he was constantly administered morphine. Just before he died, he no longer even recognized his daughter.

We have seen the case of Philip Schreyer, who began helping his country with the war effort in 1942 at the Ford Motor Company’s Willow Run B-24 bomber plant. This plant was producing a bomber an hour during its peak operation, and many asbestos products went into each section of the bombers. Later that year, Mr. Schreyer joined the Navy serving as a radio man aboard the USS *Wyoming* until 1946. The USS *Wyoming* shot off more rounds than any other ship during War World II. Every time around was fired dust would come down off the insulated pipes like “snow”. Little did Mr. Schreyer know that this dust falling on him was deadly asbestos.

Phil survived World War II, an injury aboard a warship that ended his Navy career, and a hunting accident that cost him his leg. He did not survive asbestos exposure. In 2002 he learned he had mesothelioma and was told by his doctors that he would not survive this disease. The doctors were right. On January 20, 2005, Phil Schreyer, who had survived so much, lost his final battle with mesothelioma and died.

Each one of the ten thousand Americans who will die from asbestos exposure this year will have a similar story. Each one will leave behind a family that will never be whole again. Each one is counting on us here in the Senate to ensure they have the means necessary to pursue their rightful claim for the damages asbestos exposure has caused them and their families.

The so-called FAIR Act will not provide these protections and that is why I oppose it. As I have explained, this legislation attempts to set up an alternative system for recovery that is doomed to failure and will unacceptably impair the rights of victims. We in the Senate need to remind ourselves that our best efforts must always be directed toward meeting the needs of victims, and the FAIR Act falls short.

SENATE RESOLUTION 369—CONGRATULATING THE AMERICAN DENTAL ASSOCIATION FOR SPONSORING THE 4TH ANNUAL “GIVE KIDS A SMILE” PROGRAM, WHICH EMPHASIZES THE NEED TO IMPROVE ACCESS TO DENTAL CARE FOR CHILDREN, AND THANKING DENTISTS FOR VOLUNTEERING THEIR TIME TO HELP PROVIDE NEEDED DENTAL CARE

Ms. STABENOW (for herself, Mr. COLEMAN, Mr. COCHRAN, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 369

Whereas access to dental care for children is a vital element of overall health care and development;

Whereas dental caries (more commonly known as tooth decay) is the most common chronic childhood disease;

Whereas untreated tooth decay results in thousands of children experiencing poor eating and sleeping patterns, suffering decreased attention spans at school, and being unable to smile;

Whereas due to a confluence of factors, children eligible for Medicaid and the State children’s health insurance program are 3 to 5 times more likely than other children to experience and suffer from untreated tooth decay;

Whereas dentists provide an estimated \$1,700,000,000 annually in non-reimbursed dental care;

Whereas nearly 11,000 dentists provided approximately \$33,000,000 of free care to almost 500,000 children in the 3rd annual “Give Kids a Smile” program held on February 4, 2005;

Whereas the participation of dentists in the 4th annual “Give Kids a Smile” program, established and sponsored by the American Dental Association and held on February 3, 2006, serves to remind people in the United States about the need to end untreated childhood dental disease; and

Whereas the generous support of numerous corporations, such as Crest Healthy Smiles, Sullivan-Schein Dental, and DEXIS Digital X-ray Systems, helps make the “Give Kids a Smile” program a success: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the American Dental Association for establishing and continuing its sponsorship of the “Give Kids a Smile” program;

(2) emphasizes the need to improve access to dental care for children;

(3) thanks the thousands of dentists, dental hygienists, dental assistants, and others who volunteered their time to bring a smile to the faces of hundreds of thousands of children on February 3, 2006;

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2738. Mr. BURNS (for himself and Mr. BAUCUS) 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.

#### TEXT OF AMENDMENTS

SA 2738. Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment