

to its payment obligations under sections 202 or 203 of that Act.”.

(h) CONFIRMATION OF PLAN.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

“(14) If the debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2003), the plan provides for the continuation after its effective date of payment of all payment obligations under title II of that Act.”.

SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.

(a) EFFECT ON FEDERAL AND STATE LAW.—The provisions of this Act shall supersede any and all State and Federal laws insofar as they may relate to any asbestos claim filed under this Act.

(b) EXCLUSIVE REMEDY.—The remedies provided under this Act shall be the exclusive remedy for any asbestos claim under any Federal or State law.

(c) BAR ON ASBESTOS CLAIMS.—

(1) IN GENERAL.—No asbestos claim may be pursued in any State or Federal court, except for enforcement of claims for which a final judgment is entered before the date of enactment of this Act.

(2) PREEMPTION.—Any action asserting an asbestos claim in a court of any State, except actions for which final judgment are entered before the date of enactment of this Act, is preempted by this Act.

(3) DISMISSAL.—No judgment other than a judgment of dismissal may be entered in any such action, including an action pending on appeal, or on petition or motion for discretionary review, on or after the date of enactment of this Act. A court may dismiss any such action on its motion. If the district court denies the motion to dismiss, it shall stay further proceedings until final disposition of any appeal taken under this Act.

(4) REMOVAL.—

(A) IN GENERAL.—If an action under paragraph (2) is not dismissed, or if an order entered after the date of enactment of this Act purporting to enter judgment or deny review is not rescinded and replaced with an order of dismissal within 30 days after the filing of a motion by any party to the action advising the court of the provisions of this Act, any party may remove the case to the district court of the United States for the district in which such action is pending.

(B) TIME LIMITS.—For actions originally filed after the date of enactment of this Act, the notice of removal shall be filed within the time limits specified in section 1441(b) of title 28, United States Code.

(C) PROCEDURES.—The procedures for removal and proceedings after removal shall be in accordance with sections 1446 through 1450 of title 28, United States Code, except as may be necessary to accommodate removal of any actions pending (including on appeal) on the date of enactment of this Act.

(D) JURISDICTION.—The jurisdiction of the district court shall be limited to—

(i) determining whether removal was proper; and

(ii) ruling on a motion to dismiss based on this Act.

HONORING OUR ARMED FORCES

Mr. GREGG. Mr. President, I rise today to pay tribute to a special person, Private First Class Andrew Stevens of Stratham, NH.

Andrew joined the United States Army after graduating from Exeter High School in 2001. He completed basic training and advanced individual training at Fort Benning, GA, and served proudly as an infantryman in Charlie

Company of the 4th Battalion, 31st Infantry Regiment, 10th Mountain Division, Light, United States Army. His awards include the Basic Marksmanship Qualification Badge, Expert Infantry Badge, Army Achievement Medal, National Defense Service Medal, Army Service Ribbon, and the Army Meritorious Service Medal.

Tragically, on March 10, 2003, this young soldier, only 20 years old, gave the last full measure for our Nation when he and 10 comrades perished in the crash of their UH-60 Black Hawk helicopter during a training mission in the woods of Fort Drum, NY.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Iraq—and Andrew served in that fine tradition. Daniel Webster said, “God grants liberty only to those who love it, and are always ready to guard and defend it.” Andrew was one of those proud and dedicated volunteers who chose to serve our Nation and guard our precious liberty, and for that we will always owe our sincere gratitude.

The sudden death of a young person is especially difficult for family and friends. In November 1864, President Abraham Lincoln was informed by the War Department of a mother who had lost five sons in the Civil War. He wrote the mother:

I feel how weak and fruitless must be any word of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save.

I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

Family, friends, and fellow soldiers will no longer be able to enjoy the company of Private First Class Andrew Stevens. Strangers will never have the opportunity to know his friendship. Yet memories of this young patriot will last forever with those who were fortunate enough to have had the opportunity to know him. May God bless Andrew Stevens.

Mr. President, I also rise today to pay tribute to a special person, SFC William J. Tracy, who grew up in Weare, and Webster, NH.

William joined the U.S. Marine Corps after graduating from Merrimack Valley High School in Penacook in 1993. He served as a field artillery fire controlman for 4 years and completed his enlistment as a corporal in April 1999.

Subsequently, he enlisted in the U.S. Army and attended the Utility Helicopter Maintainers Course at Fort Eustis, VA. There he earned his wings, and proudly became an air crewmember. Immediately afterwards, he was assigned to the 5th Battalion, 158th Aviation Regiment in Giebelstadt, Germany. In 3 years there, he deployed six times and logged over 500 hours flying.

In October 2002, William extended overseas and moved to his sister unit, B Company, of the 5th Battalion, 158th Aviation Regiment, in Aviano, Italy. In January 2003, he departed for Kuwait as part of the 11th Aviation Task Force.

In his U.S. Army career, he received the Army Achievement Medal, National Defense Service Ribbon, and the Good Conduct Medal. He was qualified as expert on the M9 semiautomatic pistol and on the helicopter-mounted M60 machine gun.

Tragically, on February 25, 2003, this young soldier, 1 day short of his 28th birthday, gave the last full measure for our Nation when he, and three crewmembers, perished in the crash of their UH-60 Black Hawk helicopter in the Kuwaiti desert. Their helicopter crashed 30 miles northwest of Kuwait City during night exercises.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Iraq—and William served in that fine tradition. Daniel Webster said: “God grants liberty only to those who love it, and are always ready to guard and defend it.” William was one of those proud and dedicated volunteers who chose to serve our Nation and guard our precious liberty, and for that we will always owe our sincere gratitude.

The sudden death of a young person is especially difficult for family and friends. In November 1864, President Abraham Lincoln was informed by the War Department of a mother who had lost five sons in the Civil War. He wrote the mother:

I feel how weak and fruitless must be any word of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save.

I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

Family, friends, and fellow soldiers will no longer be able to enjoy the company of SFC William Tracy. Strangers will never have the opportunity to know his friendship. Yet memories of this young patriot will last forever with those who were fortunate enough to have had the opportunity to know him. May God bless William Tracy.

ON PASSAGE OF THE “HOMETOWN HEROES SURVIVORS BENEFITS ACT OF 2003”

Mr. LEAHY. Mr. President, I rise today to express my happiness over the Senate passage of the “Hometown Heroes Survivors Benefits Act of 2003 in the early morning hours of last Friday. I thank Senators GRAHAM of South Carolina, COLLINS, JEFFORDS, SARBANES, SCHUMER, DURBIN, LANDRIEU, NELSON of Florida, CLINTON, SNOWE, KOHL, SMITH, STABENOW, KENNEDY, and