

wrong and not very press worthy to focus on things that go right, but it is a testament to what the Senate can do with the work we did yesterday on this bill.

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#### MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period of morning business until the hour of 10 a.m.

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#### FOSTER CARE REFORM

Mr. FRIST. Mr. President, I will take a few minutes to comment on some events that occurred over the last couple of days that were not necessarily apparent to a lot of people, either in Washington, DC, or around the country. It has to do with a visit from somebody everybody recognizes, and that is Bruce Willis.

Mr. Willis came to our Nation's Capitol a couple of days ago to spotlight the issue of foster care reform. This is the first time I had the opportunity to speak with him on this particular issue. He is clearly a long-time advocate for children in foster care and has dedicated a huge amount of time to bring attention to the problem of children who are aging out of the system.

I take this opportunity to thank Mr. Willis for his efforts and to take a moment to underscore the importance of the issue he came to share with us, and that is foster care reform.

Thousands of children are cared for by loving families in our foster care system, and we owe these families a debt of gratitude for opening their lives, their homes, and indeed their hearts to these children. Because of their generosity, many foster children do become adopted and experience that gift of a warm and a loving family.

But too many children—and Mr. Willis made crystal clear based on his experiences and the information he has gathered—end up being bounced from place to place, never having that opportunity to have four walls and what can be called a home, or even really one person they can turn to and call family.

Imagine spending your entire childhood as a virtual orphan: No one to come to your high school graduation, no one to keep your picture in their wallet. Most of us do take for granted having a family, but for many children in America childhood is the time they spend waiting in vain for someone to call mom or dad.

Even worse, some foster children end up in situations where they experience severe mental and physical abuse. Many develop health problems and suffer emotional and even physical neglect.

It is my hope that through our efforts in this legislative body, through the efforts of the National Adoption Center and other groups such as Children in Foster Care, by public awareness campaigns such as National Adoption Day, through PSAs featuring well-

known figures and the participation of people whom everybody recognizes, such as Mr. Willis, America's foster children will get what they need most, and that is a family. I applaud my colleagues for their efforts on behalf of America's foster children.

A few minutes ago, I was listening to LARRY CRAIG. He has been one of the Senate's leading voices on this whole issue of adoption and foster care. In 2001, he cosponsored the Hope For Children Act as part of the Economic Growth and Tax Relief Reconciliation Act which we just passed and which has become the law of the land.

Others, such as Senator JIM BUNNING, the distinguished Senator from Kentucky, worked to pass a bill to exclude foster care payments from taxation. Other Senators, including Senators HUTCHISON, LANDRIEU, ROCKEFELLER, and CLINTON, have all worked to improve foster care and adoption issues. America's foster children are helped immeasurably by their efforts.

As we debate the big issues, the bold issues, the issues that make the headlines—the Medicare modernization, the addition of prescription drugs to give seniors health care security, to give them greater choice, to have plans that better meet their needs—as we debate the important issues, such as energy this week and FAA reauthorization and tax credits, we should not forget to protect our most vulnerable citizens. Truly, America's foster children are depending on us to look out for them.

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#### HAPPY BIRTHDAY PRESIDENT GEORGE HERBERT WALKER BUSH

Mr. FRIST. Mr. President, I wish our 41st President, George Herbert Walker Bush, a happy birthday. Yesterday he turned a robust 79 years of age.

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#### DAVID BRINKLEY

Mr. FRIST. On behalf of my colleagues and myself, I express our condolences to the family and friends on the passing of news giant and television pioneer David Brinkley. Over the course of his 60 outstanding years in journalism, David Brinkley covered every President from Franklin Delano Roosevelt to President Clinton. He earned nearly every award in journalism, including 10 Emmy Awards and 3 Peabody Awards. In 1992, David Brinkley was bestowed by President George Bush the highest civilian honor, the Medal of Freedom award.

He died in his home Wednesday night in Houston. We all say Godspeed to a great American.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDENT pro tempore. I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

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#### EXECUTIVE SESSION

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#### NOMINATION OF R. HEWITT PATE, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the Senate will proceed to executive session to consider the nomination of R. Hewitt Pate, of Virginia, to be an Assistant Attorney General.

The legislative clerk read the nomination of R. Hewitt Pate, of Virginia, to be an Assistant Attorney General.

Mr. ALLEN. Mr. President, I ask my fellow Senators to vote for R. Hewitt Pate to be Assistant Attorney General for the Antitrust Division of the United States Department of Justice. I rise today to share with my colleagues my views, familiarity and admiration for R. Hewitt Pate.

We all know, and the Presiding Officer recognizes, how important our antitrust laws are and their beneficial influence in making sure we have competition in our free market society. Competition is absolutely essential because it forces us to always be innovative to ensure a good market share for whatever the product or service. Our antitrust laws are vital for free competition in our society and in our economy.

Mr. Pate, as Assistant Attorney General in the Antitrust Division of the Justice Department, will be one of the key leaders, if not the key leader, in making sure that monopolistic or anti-competitive practices do not occur in this country. I can confidently say Mr. Pate is very well qualified to decide antitrust matters effectively. He will lead with impartiality, dignity and fairness in this important position.

When I was Governor of Virginia, I appointed Mr. Pate to the Virginia Commission of Higher Education and the Governor's Commission on Self-Determination and Federalism.

I have known Hew Pate since he was at the University of Virginia. I was a relatively young delegate at the time, representing Mr. Jefferson's seat in Albemarle and Nelson Counties, which surround the University of Virginia. Ever since those years, Hew Pate has constantly amazed me. Even then, as a very young man at the University of Virginia School of Law, he was always very conscientious and knowledgeable, and he has been a very good friend and ally ever since.

Hew Pate graduated first in his class from the University of Virginia Law School in 1987 and went on to clerk for Judge J. Harvie Wilkinson on the Fourth Circuit Court of Appeals. In addition, Mr. Pate clerked for both Justice Louis Powell and Justice Anthony

Kennedy on the United States Supreme Court.

After these impressive clerkships, Mr. Pate went on to practice antitrust law for 10 years at Hunton & Williams, which is one of Virginia's largest and most highly respected law firms. Hew Pate also taught competition law at the University of Virginia.

Since 2001, Mr. Pate has performed with distinction, handling several significant matters in a scholarly, reasoned, and admirable manner for the Department of Justice's Antitrust Division. Since November 2002, Hew Pate has been the Acting Assistant Attorney General for Antitrust. In fact, on a case affecting a major company in the Commonwealth of Virginia, my good colleague Senator WARNER and I were on one side advocating a certain result, and Mr. Pate was on the other side. Mr. Pate briefed us on how our views were not necessarily in accordance with the views of the Department of Justice, but he did it in a very careful, considerate, and well-reasoned way. Afterward, we did not have any reason to appeal because the conclusion was so well briefed and researched.

It is my sincere pleasure to highly recommend this exceptional nominee and outstanding Virginian this morning.

I respectfully urge all my colleagues to support the confirmation of R. Hewitt Pate to this important position in the Department of Justice. I think he will be an outstanding Assistant Attorney General, leading the Antitrust Division.

Mr. LEAHY. Mr. President, today, we confirm R. Hewitt Pate to be Assistant Attorney General of the Antitrust Division at the Department of Justice. The Antitrust Division is charged with a critically important role in protecting our nation's consumers and their markets, and I look forward to Mr. Pate fulfilling that role with diligence and distinction.

As the boundaries of our marketplaces are expanding ever outward, many of the competitive issues that were once only local have become regional, national, or even global in their impact. That global economy is also increasingly dominated by high tech and information industries. In those arenas, technological change and innovation are taking place at dizzying speed, and we are seeing new and creative products and services developed every day. Fair and efficient policing of corporate behavior in those swiftly evolving markets is particularly important to ensure that the early entrants do not preclude competition from later rivals, and that a rapid accumulation of market power cannot be used to harm consumers.

Another hallmark of antitrust problems arising in recent years has been the increasing number of situations in which suppliers and distributors join forces, possibly to the detriment of consumers. Many of us are accustomed to thinking of antitrust enforcement as

focused on mergers of competitors, but as more and more vertical arrangements are entered into, we must be aware—and be wary—of such deals. While in some cases they may permit consumers a greater range of choice than they would otherwise enjoy, they can also facilitate grievously anti-competitive behavior. As we all move more and more of our acquisition of information, of goods, and of services, to the Internet, the online businesses and markets will need the scrutiny of the Antitrust Division to help guarantee that those marketplaces provide digital-age consumers with the quality and quantity of offerings that have long been the promise of the Internet.

As Mr. Pate confronts these issues, with the help of the many seasoned career lawyers and economists in the Antitrust Division, I am confident that he will be able to protect and promote the competitive health of the American economy. We all stand to benefit if he does his job well. I stand by ready to help him ensure that consumers and producers alike enjoy the benefits of a properly functioning marketplace.

Mr. KOHL. I rise today in support of the confirmation of Hew Pate to the important post of Assistant Attorney General for Antitrust. I am confident that Mr. Pate's talents and dedication will serve the Justice Department and the American people very well in this vital position.

The responsibilities of the Justice Department's Antitrust Division have never been more important. In our challenging economic times, we all depend on the dynamism of competition to provide economic growth and jobs necessary to propel our economy forward. And I am convinced that only the aggressive enforcement of our Nation's antitrust laws—our fundamental charter of economic liberty proven for over 110 years—will ensure that competition will flourish and ensure that consumers will obtain the highest quality products and services at the lowest possible prices. The Antitrust Division must be a vigilant watchdog to ensure that the antitrust laws are properly enforced to prevent companies from stifling competition and harming consumers.

Moreover, Mr. Pate will assume his post at a time when the Antitrust Division will have to serve as our last line of defense against excessive media consolidation. Now that the FCC has substantially relaxed media ownership restrictions, many expect a new wave of media mergers and acquisitions. These acquisitions will come before the Justice Department for review. We will expect that Mr. Pate will be careful to review these transactions to ensure that they do not unduly diminish competition in the marketplace of ideas nor unduly harm the diversity of news and information so essential to our democracy.

It is essential, then, that the next head of the Antitrust Division be committed to the Justice Department's

tradition of vigorous antitrust enforcement. The performance of the Antitrust Division over the last 2 years under Mr. Pate's predecessor's leadership gave me considerable cause for concern. From the defects in the Microsoft settlement—which many believe was unnecessarily weak and riddled with loopholes—to the general decline in the division's enforcement activities, we were left to wonder if the division was truly committed to its crucial mission of protecting competition. We will expect the next Antitrust Division Chief to return to the tradition of strong and energetic antitrust enforcement.

I believe that Mr. Pate is well qualified to restore our confidence and lead the Antitrust Division in the years ahead. He has compiled an impressive record of achievement at a relatively young age as an attorney in private practice, and we have heard a great deal of praise for his talents and legal acumen. Since joining the Justice Department as a Deputy Assistant Attorney General in the Antitrust Division more than 2 years ago, Mr. Pate has proven to be an effective enforcer of our Nation's antitrust laws. As a Deputy, he was responsible for many of the division's most important matters, including its successful challenge last year to the Echostar/DirectTV merger in the satellite television industry. And I have been particularly impressed with his dedication and hard work since he assumed the leadership of the Antitrust Division on an acting basis last fall.

My favorable impression of Mr. Pate has been enhanced by my own dealings with the nominee. He demonstrated his knowledge and expertise in antitrust law at our confirmation hearing several weeks ago. And I was particularly pleased with his forthrightness and candor in our private meeting in advance of the hearing, where he impressed me with the sincerity and seriousness with which he would take his new responsibilities.

I will therefore vote in favor of confirming Mr. Pate. I will look forward to working with Mr. Pate in the months and years ahead.

Mr. HATCH. Mr. President, I rise in support of R. Hewitt Pate's nomination for Assistant Attorney General for the Antitrust Division.

I would note that Mr. Pate's nomination was unanimously approved by the Judiciary Committee. I fully expect that the Senate will follow suit and quickly approve his nomination to this important position.

Over the last decade, the position of the Assistant Attorney General for Antitrust has grown in importance. The rapid transformation of our country's economy, particularly in new technologies and international markets, has raised public attention and policy focus on a variety of important antitrust issues. The Assistant Attorney General plays a crucial role in formulating competition policy and enforcing existing antitrust laws to make

sure that our free-market economy operates efficiently and serves the public.

Mr. Pate comes before the United States Senate with an impressive track record of public service in the Antitrust Division. In June 2001, he was appointed as the Deputy Assistant Attorney General responsible for Regulatory Matters, and served ably under then Assistant Attorney General Charles James. In November 2002, after Mr. James' departure, Mr. Pate was appointed as Acting Assistant Attorney general for the Antitrust Division. During that time, he has demonstrated his talent and ability to lead the Antitrust Division.

Prior to joining the Justice Department in 2001, Mr. Pate practiced at the distinguished law firm of Hunton & Williams in Richmond, Virginia, where he had a distinguished record in representing both plaintiffs and defendants in a variety of antitrust and business law cases. After graduating first in his class at the University of Virginia Law School in 1987, Mr. Pate went on to clerk for the honorable J. Harvie Wilkinson, at the United States Court of Appeals for the Fourth Circuit, Supreme Court Justice Lewis Powell, and Supreme Court Justice Anthony Kennedy. During his tenure at the firm of Hunton & Williams, Mr. Pate found time to teach at the University of Richmond and University of Virginia Law Schools.

With such an impressive background, both in private practice and in antitrust enforcement, particularly given his proven track record, I am confident that Mr. Pate will be an excellent Assistant Attorney General for the Antitrust Division. I am hopeful that this Senate will act quickly to confirm Mr. Pate's nomination.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CHAFEE). Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of R. Hewitt Pate, of Virginia, to be an Assistant Attorney General? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mrs. DOLE), the Senator from Illinois (Mr. FITZGERALD), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES), the Senator from KANSAS (Mr. ROBERTS), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. THOMAS), the Senator from Ohio (Mr. VOINOVICH), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Delaware (Mr. CARPER), the Senator from North Dakota (Mr.

DORGAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), and the Senator from Nebraska (Mr. NELSON) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. REED) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring a vote?

The result was announced—yeas 71, nays 0, as follows:

[Rollcall Vote No. 226 Ex.]

YEAS—71

Akaka	Corzine	Leahy
Alexander	Craig	Levin
Allard	Crapo	Lincoln
Allen	Daschle	Lott
Baucus	Dayton	Lugar
Bayh	DeWine	McCain
Bennett	Dodd	McConnell
Biden	Domenici	Murkowski
Bingaman	Durbin	Pryor
Bond	Ensign	Reid
Boxer	Feingold	Rockefeller
Brownback	Feinstein	Santorum
Bunning	Frist	Sarbanes
Burns	Grassley	Schumer
Byrd	Gregg	Sessions
Campbell	Hagel	Shelby
Cantwell	Hatch	Snowe
Chafee	Hutchison	Specter
Chambliss	Inouye	Stabenow
Clinton	Johnson	Stevens
Coleman	Kennedy	Stevens
Collins	Kohl	Sununu
Conrad	Kyl	Talent
Cornyn	Landrieu	Wyden

NOT VOTING—29

Breaux	Harkin	Nelson (FL)
Carper	Hollings	Nelson (NE)
Cochran	Inhofe	Nickles
Dole	Jeffords	Reed
Dorgan	Kerry	Roberts
Edwards	Lautenberg	Smith
Enzi	Lieberman	Thomas
Fitzgerald	Mikulski	Voinovich
Graham (FL)	Miller	Warner
Graham (SC)	Murray	

The nomination was confirmed.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### UNANIMOUS CONSENT AGREEMENT—S. 1

Mr. ALEXANDER. MR. President, I ask unanimous consent that at 2 p.m. on Monday, June 16, the Senate proceed to the consideration of S. 1, the Prescription Drug Benefits bill, reported by the Finance Committee; provided further that this order will be vi-

tiated if the bill is not available by that time. I ask consent that on Monday there be debate only with respect to the bill.

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

#### MORNING BUSINESS

Mr. ALEXANDER. I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### CHANGE OF VOTE

Mr. BAYH. Mr. President, on rollcall vote No. 221 I voted nay. It was my intention to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

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

#### ZIMBABWE

Mr. ALEXANDER. Mr. President, I rise today to bring to the attention of the Senate the oppression of democracy and freedom underway in Zimbabwe. A number of my colleagues, including the Senators from Arizona and Kentucky, have led this body in discussions about oppression in Burma. I share their concerns.

But as Chairman of the Foreign Relations Subcommittee on African Affairs, I would be remiss not to note a struggle in Zimbabwe that bears at least some similarity to events in Burma. As in Burma, the leader of the democratic opposition in Zimbabwe has been imprisoned by an illegitimate government in a cruel attempt to maintain power.

The so-called "President" of Zimbabwe, Robert Mugabe, has engaged in a systematic campaign of intimidation, torture, and terror to oppress opposition to his rule over Zimbabwe. Since the elections of 2000, when Mugabe's ruling party rigged the elections in its favor and terrorized voters for the opposition, Zimbabwe has been thrown into a downward spiral. Youth brigades not unlike the Hitler Youth or Chinese Red Guard roam the streets and invoke terror on those who resist Mugabe's rule. The country's infrastructure, which was fairly good prior to this time, has deteriorated rapidly.

In the last week the situation has grown worse. A little over 1 week ago, for the second time this year, the people of Zimbabwe stood up and said enough is enough. Strikes and work stoppages occurred throughout the country as many citizens engaged in a massive protest of Mugabe's illegitimate regime. Many rightly blame Mugabe not only for political turmoil, but also economic decay, led by fuel and food shortages.