

SENATE ACCOMPLISHMENTS AND  
AGENDA

Mr. FRIST. Mr. President, as we conclude our first week back from recess, having 2 more weeks in this block of time before our August recess, I want to take a moment to reflect on how far we have come and what accomplishments have been made during this 109th Congress and to briefly talk about the tasks that are ahead of us.

With the prospect of a Supreme Court nomination looming, some people are predicting the Senate is going to get tied up and balled up in partisan conflict and we are not going to be able to simultaneously advise and consent—our constitutional responsibility—on the President's nominee and, at the same time, address the Nation's other business, the normal business that comes to this body.

But I think if we reflect on the way the Senate has moved ahead over the past 6 months, we will see that even in the heat of an appellate judges debate over the springtime we were able to get our business done and deliver meaningful solutions for the American people.

From lawsuit abuse reform, to trade, to energy policy, we tackled key issue after key issue after key issue to make America stronger, to create jobs, to make America more prosperous, and to make America more secure.

Last night, we passed the Homeland Security bill, critical legislation that provides over \$31 billion to strengthen America's borders, to strengthen our ports and our transit systems from a homeland security standpoint. It will boost our emergency preparedness, including our first responders. And most importantly, it will strengthen our ability to intercept those who wish to enter this country and do us harm.

The London bombings remind us, once again, of the determination of our enemy to strike us here on our own soil and of our responsibility to remain vigilant and alert. We are taking action. The Homeland Security bill we passed last night reflects that appropriate both response and leadership.

When we began the 109th Congress 6 months ago, America faced a number of structural problems that were threatening our safety, our security, our prosperity, and our freedom. America was drowning in lawsuit abuse. Our highways and ports were falling into disrepair. We were hitting our tenth year with no comprehensive energy plan, becoming more and more dependent, day by day, on foreign sources of oil. Partisan obstruction, in large part inherited from the last Congress, was tearing apart our judicial confirmation process. Our troops overseas needed our support and, over the Christmas holiday period, the tsunami disaster struck. Looking at that environment, we needed to take bold action, and we did. We did it by laying out a specific plan. If you review what we have done over the last 6 months and where we are today and where we are going, we are fulfilling that specific plan.

We began by passing the fifth fastest budget in Senate history. That allowed us to move on the issues, starting with class action. Frivolous lawsuits were so out of control that litigation in America had become the most expensive in the world. In 2003, the tort system alone cost an incredible \$246 billion, more than the overall economic output of my own State of Tennessee. Frivolous lawsuits have a huge impact. They dull our competitive edge. They clog up our State courts. They waste taxpayers' dollars, and they lead to outrageous settlements that award the trial lawyers multimillion dollar fees while their clients or the victims get pennies. Reform was long overdue. So we pulled together and finally passed comprehensive class action reform to curb existing lawsuit abuse, with nearly three-quarters of this body—bipartisan—voting in favor of that long overdue class action reform, which in the past had been locked up, which had become a partisan issue. We broke through that. One week later, that bill was signed into law by the President. We delivered in that bill to the American people a victory of fairness.

With this success at our backs, we moved to bankruptcy abuse. Bankruptcy reform is another issue that had been locked up for years and years. Again, with bipartisanship, similar bills had passed, not all the way through Congress, not to become law, but similar bills had passed the 105th, 106th, and 107th Congresses. In this Congress, we passed the most comprehensive, sweeping overhaul of bankruptcy law in 25 years, with the purpose of restoring integrity, responsibility, and fairness. Like class action, the bankruptcy bill passed this body in this Congress with broad, bipartisan, overwhelming support.

I mention all this because I want to thank my colleagues for their participation, recognizing bills that have been locked up in Congress are now being addressed in a way that respects the institution with civility and bipartisan support. There is still a lot we need to do in terms of curbing the whole lawsuit abuse culture. Gun liability, I mentioned. I have talked to the leadership on both sides of the aisle. It is an issue I would like to address in the next several weeks. We have asbestos reform that is a huge issue, where the victims, patients such as my former mesothelioma patients or cancer patients, are not getting appropriately compensated because the trial lawyers are running away with the settlement money and putting it in their pockets. We have to address that reform.

We have colleagues who are leaving the medical profession, surgeons leaving the practice of medicine because of skyrocketing medical liability premiums they simply cannot afford. You can't just pass it on to the patients. The patients can't afford it, and it drives up our health care costs. Plus, it drives my doctor colleagues out of what they love to do; and that is de-

liver babies or be a neurosurgeon to respond to that traffic accident you might be in.

The highway bill was another area where we were able to come together and keep America moving forward, another area we were unsuccessful in the last Congress but that we were successful in this Congress. It was a long process, a bipartisan process, but it was based on more than 3 years of work, over a dozen hearings, testimony from more than 100 witnesses, countless hours of negotiation, supported by a deep and broad coalition from State and local highway authorities to national safety advocates. As every commuter knows, America's roads have become locked up, choked with traffic. In many cities, rush hours now last not minutes but, indeed, hours.

Worse yet, from a safety standpoint, car crashes are the No. 1 cause of death for every age. From 3 to 10 to 15 to 20, 30, up to 33 years of age, car crashes are the No. 1 cause of death. Nearly 43,000 people died on our Nation's highways last year. Transportation Secretary Norm Mineta rightly observed that:

If this many people were to die from any one disease in a single year, Americans would demand a vaccine.

This year we responded. This year we were able to provide relief. By an overwhelming vote of 91 to 11 in this body, we passed the long overdue SAFETEA bill. As communities improve their roads and their ports, America's drivers will face less time sitting in traffic jams, burning up gas, burning up time.

That brings me to energy. Like the highway bill and the lawsuit abuse reform, energy policy had languished in this body for years. For over a decade, we have lacked a comprehensive energy policy. While Congress had been dithering about, we have watched oil prices soar. We watched our dependence on foreign sources of oil increase day by day to the point that about 59 percent of our oil is imported. Because of high natural gas prices, manufacturing jobs and chemical jobs have been steadily moving off our shores overseas. Farmers are taking a pay cut. Consumers are paying too much to heat their homes, to cool their homes. Communities across the country have been suffering. As many as 2.7 million manufacturing jobs have been lost because of soaring energy prices.

All the while, we have had that dangerous dependence on foreign sources of oil increase. So we had all this as a backdrop, and we responded. We were finally able to act, and we were able to pass a comprehensive Energy bill. It took 10 years, but we made it. It has passed the Senate and House. It is in conference, and I am hopeful. I would like to see it, in the next 2 weeks, come back for the final vote on the floor of the Senate. It is an energy plan that will make America safer. It will create jobs, and it does make America more secure.

Another area where we simultaneously strengthened America's national and economic security was the

passage of the Central American Free Trade Agreement. That agreement, which President Bush signed in May of 2004, will eliminate most trade barriers between the United States, Costa Rica, El Salvador, Nicaragua, Guatemala, Honduras, and the Dominican Republic. New consumers of American goods and more sales to Central America mean more jobs at home. It means more shared values.

It is fascinating that 20 years ago, only two of the CAFTA nations were established democracies, Costa Rica and the United States. Today, all seven can be counted among the free nations of the world. By linking their economies with democratic capitalism, CAFTA will help these nations against the threats posed in their neighborhood, mainly Venezuela and Cuba. It will strengthen their democracies and provide a model for freedom seekers around the world.

That does bring me to the world stage. In April, by a near unanimous vote, we passed the Emergency Defense War Supplemental and Tsunami Relief Act. On the morning of December 26, the world woke up to that terrible disaster of the tsunami in Southeast Asia. Deep in the Indian Ocean, an enormous earthquake, estimated at a magnitude of 9.0 on the Richter scale, possibly one of most powerful earthquakes in history, caused a devastating tsunami which killed over 155,000 people, seriously injured half a million, and displaced as many as 5 million from their demolished homes. Thousands of people were literally washed out to sea as this enormous wall of water, traveling at speeds of over 500 miles an hour in the open ocean, struck the coast of that Indian Ocean realm.

As the waves receded, they took with them whole towns and villages. In the face of this terrible tragedy, America took swift action, and we responded on the floor of the Senate. We immediately dispatched military ships, planes and helicopters to deliver aid. Twelve thousand of our men and women in uniform worked around the clock to reach survivors, and Americans at home responded through the Internet, through donations, through their churches, through their mosques, moved by the terrible images and stories, and gave millions from their own pockets to help.

I had the opportunity to travel with Senator LANDRIEU to survey the damage in Sri Lanka. We met with local doctors and local orphanages and government officials and nongovernment organizations. We saw firsthand the tragedy and the human suffering the tsunami left. It was clear to us at the time exactly what we are seeing now, 6 months later, play out. It is going to take months and, indeed, years to respond to this tragedy. Many families with the loss of life never will be able to respond.

The legislation we passed in April provided an additional \$880 million to help the victims recover and rebuild.

The tsunami story may no longer be grabbing the headlines, but America is still hard at work right now in responding to this disaster.

We are also hard at work fighting the war on terror. The emergency defense bill provides \$75.9 billion in support for our brave soldiers in Afghanistan and Iraq, hunting down the enemy, helping to rebuild and to spread freedom and democracy. As the President has reminded the Nation, we are engaged in an epic struggle. The terrorists want to deny the Iraqi people the freedoms that are the right of all mankind. They want democracy in Iraq to fail so they can seize power, so they can spread their poison.

But they are not going to succeed. We will win this war. To do so, we must continue to stand together, united in our support of our troops and in support of our values. The terrorists are no match for the will of the American people, and they are no match for a world that is united against this terror.

The dastardly attack on London last week was an attack on the civilized world. I speak for all when I say that America stands shoulder to shoulder with the British people. We are in this together. Together we will win.

Over the past 6 months, the Senate has shown real leadership confronting a variety of priorities. We also have had some tense and dramatic moments; probably none more dramatic than the battle to confirm the President's judicial nominees. We appear to have begun to repair the confirmation process and to restore the dignity and the fairness and the respect to our debates over judicial nominees. As we have said all along, each of these candidates was amply qualified and enjoyed the majority support of the Senate. Each would be confirmed if brought to the Senate floor, and each of them were—Priscilla Owen, Janice Rogers Brown, William Pryor, Richard Griffin, David McKeague, Tom Griffith—confirmed to the Federal bench.

Unfortunately, in the process, they had to endure many unfair attacks on their character. Some of the nominees in the last Congress found the process that we put them through so painful that they dropped out and said: Don't consider me any more. That character assassination is too much. Therefore, they withdrew from consideration, at a loss for the American people. So it is no wonder that we now hear reports that smart, qualified judges don't even want to be considered for the Federal bench because of the process. We have put that process behind us. So many of them have concluded that Washington is no place to risk your reputation because you may never get it back.

As we look ahead to the Supreme Court nomination process, things are going very well.

I do urge my colleagues to make sure that our deliberations are fair and dignified and respectful of that nominee when the nominee is presented.

This last Tuesday, I mentioned that the President is not obligated to con-

sult with Senators before making a nomination. In fact, he is not obligated to consult with anyone; consultation is a courtesy, not a constitutional mandate. But the President has reached out to both sides of the aisle, the Judiciary Committee, individual Senators, with one-on-one meetings, and his highest staff are continually listening and taking suggestions. I commend the administration and the President for reaching out in an inclusive and bipartisan manner, in a manner that really is unprecedented.

Mr. President, let me just say that I believe what we have seen is a promising start to what can and should be a thoughtful and statesmanlike debate as we prepare for that nominee coming from the President for the Supreme Court. In that debate, I want to continue to encourage my colleagues to place principle before partisan politics and place results before rhetoric. We owe it to the American people to conduct this nominations process, which involves the major institutions of our Government, the three grand institutions of justice, legislation, and the executive branch coming together. We owe it to the American people to continue to move forward with those meaningful solutions to real problems.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the Senate will proceed to the consideration of H.R. 3057, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs, for the fiscal year ending September 30, 2006, and for other purposes, which had been reported from the Committee on Appropriations, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 3057

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