

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

PROGRAM

Mr. FRIST. We will return for business on Tuesday, September 6. We will be voting at 5:30. There could be two votes that evening on the previously filed cloture motion.

THANKING STAFF AND SENATE PAGES

Mr. FRIST. Mr. President, I thank members and staff for their hard work. I also want to take this opportunity to thank the pages who have been with us over the last several weeks. It has been a real pleasure and a great opportunity for us to both work with them over the course of the summer and to also thank them for their tremendous work. I know several of the pages have gone back home over the course of the day, and we extend our appreciation to each and every one of them as well. This is their last day of their period here in the Senate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, through the Chair to the distinguished majority leader, we, at least the Democrats, on Tuesday will have a regular party caucus. So since I did not hear that, will we be recessing on Tuesday from 12:30 to 2:15?

Mr. FRIST. That is correct, we will be having our normal policy lunches that day and then we will have votes at 5:30 in the afternoon.

UNANIMOUS CONSENT REQUEST—
S. 667

Mr. REID. Mr. President, I know the hour is late. I will be as quick as possible on this very important issue.

Four months ago the Senate Finance Committee reported S. 667, the Personal Responsibility and Individual Development for Everyone Act, known as the PRIDE Act. This would reauthorize temporary assistance for needy families, which was due for reauthorization in 2002. It is a bipartisan bill and received virtually unanimous support in the committee, a compromise that demonstrates how things can work.

The PRIDE Act contains increased funding to help parents cover the costs of childcare, among other things, so that they can join the workforce. It contains critical transitional medical assistance so that parents who work do not immediately lose their health care benefits in the transition to work. In short, it will help tens of thousands of Americans who are simply trying to do the right thing by their families and their communities.

That is why our Governors and State legislatures, both Democrats and Republicans, have asked that we reauthorize the program and pass the PRIDE Act at the earliest possible date.

Unfortunately, instead of helping working families and listening to our Governors and legislatures by immediately taking up this important bipartisan legislation, Republicans have spent months fighting among themselves, delaying its consideration. In the meantime, these working families that I have described in our States have had to live with uncertainty about whether this program will continue and, if so, in what form and at what cost.

While we have been forced to wait several months for the majority to work out their intraparty squabbles, Congress has had to pass a series of stop-gap extensions to keep the program going. Just before the last recess we passed what was the tenth extension of this program. However, that extension will expire at the end of September if we do not act on permanent legislation before then.

Even more threatening, some of our Republican colleagues are interested in including TANF in reconciliation, which will mean serious cuts, not increases, in many of the important programs contained in the bipartisan legislation reported by the Finance Committee.

I commend Senators BAUCUS and GRASSLEY, the chairman and ranking member of that committee, for their efforts in behalf of this legislation and the American people. The chairman and ranking member of the Finance Committee have been working together for months in an effort to bring the committee-reported bill to the floor, but we must consider this measure soon. Therefore, I ask unanimous consent that no later than the close of business on September 9, the Senate begin consideration of Calendar No. 60, S. 667, the PRIDE Act, and that all amendments be relevant to the subject matter of the bill without the need for textual reference; and that the bill be completed before the Senate considers any reconciliation bill.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I very much appreciate the Democratic leader's comments on the PRIDE Act, especially stressing the critical importance of this piece of legislation. It is a bipartisan bill. I do, too, want to thank the chairman and the ranking member, Senators GRASSLEY and BAUCUS, for their diligent work, their hard work in bringing this bill forward. I look forward to working with the Chair and ranking member in appropriate scheduling of this bill.

I do object.

The PRESIDING OFFICER. Objection is heard.

A CIVIL WORKING RELATIONSHIP

Mr. REID. Mr. President, prior to our leaving the body for the day and for a

number of weeks, I want to express my appreciation for the pleasure it has been to work with the leader. I have enjoyed it. We have differences every day about what Members want to do in this body. We have tried, and I think we have accomplished civility. I have never to my knowledge raised my voice to the majority leader, nor has he raised his voice to me. We have distinct differences on occasion, but we have been able to work through those. I hope our ability to work together, in spite of the differences of the two political parties, has been good for the country.

We have spent time talking about what we need to do and how we are going to accomplish that. We have sometimes even disagreements on that. But the disagreements are not in any way unpleasant.

On behalf of the Democratic Senators, I express my appreciation for your always being able and willing to respond to my phone calls quickly. Mr. President, I say through you to the distinguished Senator from Tennessee, he is always a gentleman, for which I am very grateful.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I do have a longer statement I will make here shortly, but I think while the Democratic leader is here, what we have seen over the course of the last day, in the last week, in the last several weeks, does represent the very best of what this body is all about.

The American people, as the Democratic leader suggested, expect us to govern in a way working together with civility, and I think we have demonstrated that on some very tough and contentious issues. I look forward, as we enter into the post-recess session, to continuing that bipartisan civil spirit as we address, again, some very challenging issues.

LOOKING AHEAD: ISSUES BEFORE
THE SENATE

Mr. FRIST. Mr. President, in the last few minutes here, I do want to look back very briefly and look ahead and foreshadow some of the issues we will be looking at. Before we leave for this August recess, I would like to look at and review very quickly some of the big, important issues we will be tackling this fall.

First and foremost, we will focus on one of the most significant and historic constitutional responsibilities, and that is, as we all know, to provide advice and consent on the President's Supreme Court nomination. Our goal, as spelled out a little bit earlier is to have a fair debate and a dignified debate on Judge Roberts, and to confirm him before the Supreme Court begins its new term on October 3. We can do that. We will do that.

I have worked very closely with the Democratic leader and with the President and with Senators SPECTER and

LEAHY to lay out a hearing and floor schedule to move the process forward in September. To summarize, because we were on the floor a couple of hours ago talking about that in a colloquy, Judge Roberts' hearing will begin in the Judiciary Committee on September 6 and Chairman SPECTER intends to hold a committee vote on Judge Roberts Thursday, September 15. We will begin the Senate floor debate no later than the week of Monday, September 26. I look forward to an up-or-down confirmation vote no later than Thursday, September 29.

As we approach this process, let me say a couple of words about Judge Roberts. He is the best of the best legal minds in America. Everybody who has met him has reflected that. His credentials, so impressive, have reflected that. He is a graduate of Harvard University and Harvard Law School, a lawyer who has served two Presidents and argued 39 cases before the Supreme Court. He is a Federal judge who was unanimously confirmed by the Senate to serve on the DC Circuit Court. He has earned bipartisan respect as one of the finest appellate advocates in the Nation.

I have had the opportunity to get to know Judge Roberts personally over the last several weeks and I, like everyone else, have been so impressed with his intellect and his modest demeanor and his willingness to communicate freely and openly. He will be the kind of Justice who will make America proud, embodying the very best of the American spirit, embodying the best of the qualities America expects in a Justice on its highest court: Someone who is smart, fair, impartial, and committed to faithfully interpreting the Constitution and the law.

As we move this process forward to confirm Judge Roberts, I hope and I do believe that the Senate has and will put aside any sort of partisan delay or obstruction or personal attacks of judicial nominees.

I am concerned with two tactics that have emerged that should concern us all—tactics that at first may appear perfectly reasonable but are really designed to thwart the confirmation process. One tactic is asking Judge Roberts to prejudice cases and predetermine outcomes that threaten his judicial independence.

Some have asked the question: "whose side is Judge Roberts on?" in a particular case. And there is only one appropriate answer to that question: Judge Roberts is on the side of the Constitution. When he puts on the judicial robe and takes a seat on the bench with his fellow Justices, he will not be serving as an advocate for a client or a particular point of view. He will serve as a fair and impartial judge who is sworn to uphold the Constitution.

The other tactic that concerns me is the fishing expedition for confidential, privileged documents. The Judiciary Committee and the Senate will have an extensive and comprehensive record of

Judge Roberts to review. Already, the White House has released 15,000 pages of documents from Judge Roberts' service in the Federal Government and is expediting the release of tens of thousands more. The committee also can review the more than 300 cases decided by Judge Roberts, the legal briefs and oral argument transcripts from his 39 cases before the Supreme Court, and the 14 hours of hearing transcripts from his previous nomination before the Senate. There will be ample evidence for Senators to consider when they vote yes or no on Judge Roberts, without requiring review of confidential, privileged documents he wrote as a lawyer for his clients.

As we move forward, I urge my colleagues to reject these tactics and to work together in a bipartisan way. We must ensure that Judge Roberts receives a fair hearing, and a fair up or down confirmation vote before the Supreme Court begins its new term on October 3.

In addition to fulfilling this grave responsibility, we also will be carrying out our duty to protect America's national and economic security. The London bombings remind us that the terrorists continue to plot and plan their evil acts. We must stay vigilant and tireless in our pursuit—breaking up their cells, chasing down the money trail, and bringing each and every collaborator to justice.

Defending the homeland also requires defending our borders. The Homeland Security bill we passed 2 weeks ago adds 2,000 more border patrol agents, investigators and detention officers—don't think we have "deportation officers, per se—to our border team. It expands much needed detention space so that we can be sure that people caught entering the country illegally are not released before their cases are processed. The Homeland Security bill also provides \$340 million for U.S. Visitor and Immigration Status Indicator Technology—US VISIT. This new technology will enhance our ability to verify the identity of visitors with visas.

We are working hard to secure our borders. Part of that effort also involves reforming our immigration system. America is a nation of immigrants. It is what has made us strong, vibrant and a beacon of hope to the world. People come to America looking for a better life. And we live better lives because of them. But we must ensure that immigrants who come to America come here legally. Over 7,000 miles of land stretch across our borders. Our ports handle 16 million cargo containers. And 330 million non-citizens—students, visitors and workers—cross our borders every year.

Among these visitors is an unprecedented flow of illegal immigrants. And many of them die in the trying. Last year alone, several hundred people died in the deserts and mountains that separate the United States from Mexico. Most died of exposure to the elements.

Some died in accidents. An alarming number were murdered. Along Arizona's southern border—the only area for which we have good data—over 20 people died as a result of hanging, blunt-force trauma, gun shot wounds and other apparently deliberate acts during 2004. More corpses may be buried in shallow, unmarked graves. We don't keep records. We simply don't know. That is why I am asking the Government Accountability Office to produce a report on the deaths along our border to guide our future action.

These tragedies challenge our standards of compassion. But the sheer vastness of the illegal flow also compromises our security.

Among those seeking a better life are those seeking to harm our country. Some bring drugs. Some traffic in human beings. A few may even have links to terrorist groups. The safety and security of every citizen and every visitor who wishes to share in the American dream requires that we reform our laws to strengthen and improve our immigration system.

We also will turn to finishing our work on the Department of Defense authorization bill. Our troops in the field are depending on it. The security of our country depends on it. I thank our distinguished chairman, Chairman JOHN WARNER, who has been a tremendous leader on this bill and continues to represent the very best, I believe, in what a Senator should be as he takes that Department of Defense authorization bill through the activities that we must on the floor of the Senate.

This fall, as we work hard to address the national security concerns, we also will focus on another type of security—economic security, starting with the deficit. For the first time in a decade, we have the opportunity to seriously address the national deficit. President Bush has proposed a plan to cut that deficit in half in 5 years. By working together and rolling up our sleeves, we can hammer out a strategy to get this done.

We have to start that, I believe, by reducing the rate of Government growth, and the spending reconciliation bill will deliver real savings and strengthen our fiscal position. It has been about 9 years since we have had a spending aspect of that reconciliation bill.

A second way we can improve our economic security for working families is by permanently repealing the death tax. We all know the death tax is disruptive. It is unfair. It hurts small businesses. It destroys small businesses and hurts families and the hard-working people they hire. A typical family spends between \$30,000 and \$150,000 just trying to avoid this unfair tax. That alone is enough to start a small business or create dozens of jobs. Instead, it is simply wasted in trying to avoid a tax that is unfair.

Last week I, with another Senator, met a small group of business owners. The death tax was their very top concern. They talked about how their

small family businesses were hurt—family farms and newspapers, shops and factories. So the death tax needs to go. It needs to be put to rest permanently. We will be addressing that soon after we return. Another issue of fairness that demands our attention is asbestos litigation. We have been grappling with this issue for years. Now it is apparent to everyone that asbestos litigation is out of control. More than 700,000 individuals have filed claims; over 8,400 defendant companies have been named in lawsuits; 300,000 claims are pending right now. More than \$70 billion has been spent trying to resolve the claims, driving 77 companies bankrupt.

This pace of bankruptcies is accelerating. About a third have taken place in the past 4 years. These are big companies such as Johns Manville, Owens Corning, U.S. Gypsum, and W.R. Grace. Over 90 percent of the industries in America are affected.

Even with the billions spent, and the companies bankrupted, very few victims have received adequate compensation. If the victims receive anything at all, it is only after suffering long delays while waiting for unpredictable and inequitable awards.

The current system has only one real winner—the trial lawyers. Plaintiff trial lawyers get more than half of every settlement dollar. And they are on the hunt for new companies to sue, even companies with little or no connection to the asbestos problem.

Last month, the asbestos fairness bill passed out of committee on a bipartisan vote. It is my intention to bring that bill to the floor and pass it this fall and deliver a system based on fairness and compassion. These are just a few of the issues we will be tackling when we return after the Labor Day recess. We will also work to get our own house in order and finish the spending bills. And we will vote on the issue of Native Hawaiians, as well.

We have had an enormously productive 7 months. And I am proud of the progress we have made on behalf of our fellow citizens. When we began the 109th Congress, America faced a number of structural problems threatening our safety, prosperity and freedom. We needed to take bold action, so we laid out an ambitious plan. We began by passing the fifth fastest budget in Senate history. From there, we pulled together to pass a comprehensive class action reform bill with nearly three quarters of the Senate voting in favor. With this success at our backs, we turned to bankruptcy abuse. And we succeeded in passing the most sweeping overhaul of bankruptcy law in 25 years. Like class action, the bankruptcy bill passed with broad, bipartisan support. And like class action, we voted to restore fairness, integrity and personal responsibility to the legal system.

We then moved to the highway bill. For years, America's roads, ports and infrastructure have been falling into disrepair. Our highways and city

streets have become choked with 24-hour traffic. For millions of workers, commuting has become a daily nightmare. Finally, after 3 years of hard work and negotiation, over a dozen hearings, and countless hours of testimony, we passed the highway bill by an overwhelming bipartisan vote. Communities will finally receive the funding they need to improve their roads and ports. And America's drivers will face less time sitting in traffic, wasting time and burning up gas. Which brings me to energy.

Yesterday, in an historic vote, the Senate passed America's most comprehensive energy plan in 40 years. After years of careful and patient negotiation, we finally delivered an energy plan that promises to make America safer and more secure, and our energy supply cleaner and more reliable.

In seven short months, we tackled big issues and got big results. Together we moved America forward. We broke the impasse that was crippling the judicial nomination process. We passed the Central American Free Trade Agreement which promises to strengthen our own security and prosperity in the Western hemisphere. CAFTA will create our second largest export market in Latin America, behind only Mexico. From Washington State apples to Florida oranges, America's producers will thrive. And Central America's democracies will benefit.

We renewed our commitment to our troops and the war on terror. And tonight, by unanimous consent, we passed the Patriot Act and will send it to conference with the House. The Patriot Act is an essential tool in this new war on terror. It allows us to track and stop terrorists before they are able to kill innocent people. Through it, our law enforcement and intelligence communities are working more closely together toward the common goal of keeping America safe. We face a different kind of enemy—one that hides in far away lands, and among us right here at home. The Patriot Act will help defeat terrorist cells operating right here in America.

We are working hard to defeat terrorism on all fronts. On the battlefields of Iraq and Afghanistan. In our own backyard. And at its the roots: the evil and murderous ideology that seeks the destruction of our way of life. And we are winning. Our steady commitment to the spread of democracy is beginning to bear fruit. Elections are taking hold in the Middle East—in Iraq, Afghanistan, the Palestinian Territories, Egypt, Saudi Arabia, and Kuwait.

A new Pew Research poll shows that growing confidence in the Muslim world that America truly supports democracy for their people. And even more encouraging, a growing number believe that democracy can work.

America's policies both here at home and abroad are making America stronger and more secure. With continued hard work and determination, we can keep the ball moving forward.

We have a lot to do when we get back. I am confident that with the President and the House as partners, we will continue to deliver meaningful solutions to the American people. I am confident that we will continue to secure a freer, safer and healthier future for generations of Americans to come. I wish my colleagues a happy, restful and productive August recess.

ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 6, 2005

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order under the provisions of H. Con. Res. 225.

Thereupon, the Senate, at 8:35 p.m., adjourned until Tuesday, September 6, 2005, at 12 noon.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination and the nomination was confirmed:

CHARLES S. CICCOLELLA, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

WILLIAM ROBERT TIMKEN, JR., OF OHIO, TO BE AMBASSADOR TO THE FEDERAL REPUBLIC OF GERMANY.

WILLIAM J. BURNS, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO THE RUSSIAN FEDERATION.

RICHARD HENRY JONES, OF NEBRASKA, TO BE AMBASSADOR TO ISRAEL.

FRANCIS JOSEPH RICCIARDONE, JR., OF NEW HAMPSHIRE, TO BE AMBASSADOR TO THE ARAB REPUBLIC OF EGYPT.

NOMINATIONS

Executive nominations received by the Senate July 29, 2005:

SUPREME COURT OF THE UNITED STATES

JOHN G. ROBERTS, JR., OF MARYLAND, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, VICE SANDRA DAY O'CONNOR, RETIRING.

DEPARTMENT OF THE TREASURY

TERRY NEESE, OF OKLAHOMA, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS, VICE HENRIETTA HOLSMAN FORE.

DEPARTMENT OF COMMERCE

FRANKLIN L. LAVIN, OF OHIO, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE GRANT D. ALDONAS, RESIGNED.

DEPARTMENT OF STATE

FRANCIS ROONEY, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

JOSETTE SHERAN SHINER, OF VIRGINIA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE ALAN PHILLIP LARSON.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NAOMI CHURCHILL EARP, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2010. (RE-APPOINTMENT)