

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 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 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 MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2010. (RE-APPOINTMENT)