

EXECUTIVE NOMINATIONS

Mr. FRIST. Mr. President, over the last several weeks and months, we have run into a situation where executive nominations are brought to the floor, but they are being held up for a final vote for reasons that are totally unrelated to those individuals and the positions they seek.

It has been done historically to some extent, but it is done in a way that one Member—not necessarily a Democrat or Republican but a Member in this body—uses that nomination in some way to focus attention on an issue or focus attention on something they need or want. Therefore, it can be very useful leverage for an individual Senator, but it has now gotten to the point that it is unfair to that individual. We have public servants who are dedicating their lives and have been nominated by the President of the United States for executive positions, and then they are being stopped or held up for this unrelated matter. And, therefore, in a systematic way we were going to address that.

Yesterday, on one such event, I filed a cloture motion on the nomination of Eric Edelman to be Under Secretary of Defense for Policy. Mr. Edelman had been reported out of the Armed Services Committee on July 29 of last year, 2005—came out of that Armed Services Committee and has been held up by someone on the other side of the aisle since that time.

In order to overcome that, I filed a cloture motion to ensure that the Senate was able to act on that nomination. We did that last night. That vote would have occurred tomorrow morning on cloture, and, because it is one person holding up Mr. Edelman, we would have gotten cloture and then it would have required a rollcall vote.

I understand that the other side has agreed to vitiate the cloture vote, and has agreed to a voice vote now—this evening—instead of requiring that cloture vote tomorrow and a rollcall vote. Our side appreciates that, and I think most Senators appreciate that since the vote would have probably been 100 to 0 if we had that vote.

What all this means is we will finally be able to move forward on a nomination, and we are not going to have to have a vote tomorrow. Some of my colleagues have said that we are expecting a vote tomorrow, and you are going to have a vote that we need to have the vote. On the other hand, since cloture can be vitiated with this unanimous consent, we will go ahead and approve it by a voice vote.

The larger issue is we need to systematically address executive nominations which are being held up for unrelated reasons.

Again, Mr. Edelman came out on July 29, and already we are in early February of 2006.

EXECUTIVE SESSION

NOMINATION OF ERIC S. EDELMAN TO BE UNDER SECRETARY OF DEFENSE FOR POLICY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session; I ask unanimous consent that the cloture vote with respect to Executive Calendar No. 309 be vitiated, the Senate proceed to its consideration, the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy.

LEGISLATIVE SESSION

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

HONORING THE MEMORY OF WEST VIRGINIA COAL MINERS AND COMMENDING VOLUNTEERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 331 at the desk and just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 331) to honor the memory of the coal miners who recently perished in accidents in West Virginia and to commend all the volunteers who worked tirelessly in providing support to the families during the rescue operations.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 331) was agreed to.

HURRICANE ELECTION RELIEF ACT OF 2005

Mr. FRIST. I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of S. 2166 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2166) to direct the Election Assistance Commission to make grants to States to restore and replace election administration supplies, materials, records, equipment, and technology which were damaged, destroyed, or dislocated as a result of Hurricane Katrina or Hurricane Rita.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (S. 2166) was read the third time and passed, as follows:

S. 2166

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hurricane Election Relief Act of 2005".

SEC. 2. GRANTS TO STATES FOR RESTORING AND REPLACING ELECTION ADMINISTRATION SUPPLIES, MATERIALS, RECORDS, EQUIPMENT, AND TECHNOLOGY WHICH WERE DAMAGED, DESTROYED, OR DISLOCATED BY HURRICANES KATRINA OR RITA.

(a) AUTHORITY TO MAKE GRANTS.—The Election Assistance Commission shall make a grant to each eligible State, in such amount as the Commission considers appropriate, for purposes of restoring and replacing supplies, materials, records, equipment, and technology used in the administration of Federal elections in the State which were damaged, destroyed, or dislocated as a result of Hurricane Katrina or Hurricane Rita and ensuring the full participation in such elections by individuals who were displaced as a result of Hurricane Katrina or Hurricane Rita.

(b) USE OF GRANT FUNDS.—Funds received under a grant under subsection (a) shall be used in a manner that is consistent with the requirements of title III of the Help America Vote Act of 2002.

(c) ELIGIBILITY.—A State is eligible to receive a grant under this section if it submits to the Commission (at such time and in such form as the Commission may require) a certification that—

(1) supplies, materials, records, equipment, and technology used in the administration of Federal elections in the State were damaged, destroyed, or dislocated as a result of Hurricane Katrina or Hurricane Rita; or

(2) the system of such State for conducting Federal elections has been significantly impacted by the displacement of individuals as a result of Hurricane Katrina or Hurricane Rita.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2006 for grants under this Act \$50,000,000, to remain available until expended.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106-398, and upon the recommendation of the majority leader,

in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Mr. Daniel A. Blumenthal of the District of Columbia for a term expiring December 31, 2007.

ORDERS FOR FRIDAY, FEBRUARY
10, 2006

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Friday, February 10; the time for the two leaders be reserved, and the Senate proceed to a period of morning business until 10 a.m.; further, that at 10 a.m. the Senate resume consideration of S. 852, the asbestos bill.

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

PROGRAM

Mr. FRIST. Mr. President, the Senate has been on the asbestos bill since Monday. Tomorrow, we will complete a full week of debate and consideration of this very important bill which, as has been said again and again, is a bill that addresses the fact that 150,000 people have lost their jobs, 77 companies have gone bankrupt, and many more are likely to go bankrupt in the future. Most importantly, we have victims of asbestos exposure—whether it is lung cancer or mesothelioma—who are not being compensated in a timely and appropriate way. It is a system crying out for reform.

Tomorrow, we will not have any roll-call votes, given the earlier action we took on the Edelman nomination. We will be continuing debate and discussion of the asbestos bill over the course of the day tomorrow, Friday.

As we look to next week, we will have a busy week as we finish our work for the Presidents Day recess. There

will be votes each day next week beginning with Monday as we wrap up our business.

RECESS UNTIL 9:30 A.M.
TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:28 p.m., recessed until Friday, February 10, 2006, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Thursday, February 9, 2006:

DEPARTMENT OF DEFENSE

ERIC S. EDELMAN, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.