

We don't know what is going to happen. Events are moving so quickly.

I say to my distinguished friend, the majority leader, we believe it is more important to go to this Defense bill. I listened to every word of the statement of the distinguished majority leader about the Secretary of Defense. We have had other speeches on the floor today about how important it is that we continue supporting our troops. We believe that.

Last night, the House passed, on a bipartisan basis, a very important Defense authorization bill, by an overwhelming margin. We need to do the same.

I also say that we are willing to go to class action when we finish the Defense bill, which will probably be, I respectfully submit to my friend, Tuesday anyway because I don't think you are going to get cloture on this motion to proceed. I have spoken to my people who are advocates of class action reform—the junior Senator from Delaware, Mr. CARPER, and the Senator from New York, Mr. SCHUMER. They believe in class action reform a lot, but they are not going to vote for cloture.

We believe we should finish the Defense bill and then go to class action. I ask my friend, the distinguished majority leader, to modify his request to provide that the Senate proceed to the consideration of the class action legislation upon disposition of the Defense authorization bill. I make that request.

Mr. FRIST. Mr. President, I object to the modification.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I object to the request of the majority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, let me briefly say I have had the opportunity to talk to the manager of the bill, and we feel very strongly that it is critical that we address this bill. The best way to do it is to allow the managers to work together over the recess and see if they can come back with amendments that are identified so we have some kind of certainty as to how we are going to bring this to closure.

In the meantime, while those discussions are underway, we will hopefully be able to proceed with class action.

#### CLOTURE MOTION

Mr. FRIST. Mr. President, I move to proceed to the consideration of S. 2062, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 430, S. 2062.

Bill Frist, Orrin Hatch, Charles Grassley, John Sununu, Lamar Alexander, Pete Domenici, Norm Coleman, Jim Talent,

Larry Craig, Mitch McConnell, Trent Lott, John Cornyn, Judd Gregg, Richard G. Lugar, Mike Crapo, Saxby Chambliss, Jon Kyl, Peter Fitzgerald.

Mr. REID. Mr. President, reserving the right to object, could the majority leader schedule that for 5:30? It is so difficult for people on the west coast—and I am one of them—coming back that day. We don't arrive, if the plane is on time, until about 4 o'clock.

Mr. FRIST. We are happy to make it 5:30, June 1. We modify the unanimous consent request to be 5:30 p.m. on Tuesday, June 1.

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

#### UNANIMOUS CONSENT REQUEST— S. 2400

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the adoption of the motion to proceed, the pending Department of Defense authorization bill not be placed back on the calendar, and that it remain the pending business.

Mr. REID. Mr. President, we object.

The PRESIDING OFFICER. Objection is heard.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 582, 583, 584, 618, 621, 663, 666, 668, 670, 671, 675, and 684.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Mr. REID. Mr. President, I want the record to reflect that we have cleared a significant number of people today, and we have basically filled the diplomatic corps, ambassadorial vacancies, except for one, and that is in Nepal.

I was on the Senate floor about 10 days ago when we cleared another batch of ambassadors. We had the same problem then that we have now. We have not cleared the only vacant ambassadorial spot open, and that is Nepal. There is an objection by the majority. The ambassadorial appointments are all done except for Nepal. It is not our fault. It is the fault of the majority.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF TRANSPORTATION

Linda Morrison Combs, of North Carolina, to be an Assistant Secretary of Transportation.

Francis Mulvey, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2007.

W. Douglas Buttrey, of Tennessee, to be a Member of the Surface Transportation Board for a term expiring December 31, 2008.

#### CONSUMER PRODUCT SAFETY COMMISSION

Thomas Hill Moore, of Florida, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2003. (Reappointment)

#### DEPARTMENT OF TRANSPORTATION

Deborah Hersman, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2008, vice John Goglia, term expired.

#### DEPARTMENT OF STATE

Miles T. Bivins, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

John J. Danilovich, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

Earle I. Mack, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

Jack Dyer Crouch II, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Jendayi Elizabeth Frazer, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

Mitchell B. Reiss, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for Northern Ireland.

Victor Henderson Ashe, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Mr. FRIST. Mr. President, indeed, we just confirmed about 12 of the 96 pending nominations on the Executive Calendar, and I do thank my colleagues for allowing us to proceed on this list. These ambassadorial appointments and other nominations are all very important. It reflects a lot of work on both sides of the aisle to make this progress. We appreciate the cooperation of those to date. Again, that is 12 of 96 nominations on the Executive Calendar that I mentioned earlier this morning.

Mr. President, thus, I now ask consent that the Senate proceed to the consideration of the following nominations, en bloc: Calendar Nos. 429, 594, 595, 610, 611, 612, 613, 614, 615, 617, 622, 623, 628, 629, 630, 631, 632, 633, 634, 635, 636, 641, 642, 643, 654, 655, 656, 658, 687, 688, 689, 690, 691, 694, 695, and 696.

Mr. REID. Reserving the right to object, Mr. President.

Mr. FRIST. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Mr. REID. Reserving the right to object, the reason I got a little out of sorts there, I thought I was in Nevada listening to a bingo game being called. I apologize.

I reserve the right to object, and I do it for this reason: The two leaders have worked hard to clear nominations. We got a little movement on our side today. Therefore, we cleared some 12 nominations. We need some reciprocation. I do not know what the numbers were today. I do not know exactly, it is 3 to 12, 3 to 16. We got 3; they got 12 or 16. We need some reciprocation. Let me give an example.

We have nominated and sent to the White House, and the White House has sent back to us a man by the name of Dr. Greg Jasko. Dr. Greg Jasko is to go on the Nuclear Regulatory Commission. I appeared at a hearing yesterday. This is one of the most important sensitive commissions in the entire American Government. They deal with the most sensitive issues—nuclear powerplants, the nuclear repository in Nevada, other nuclear facilities all over America. Dr. Jasko is eminently qualified. He has a Ph.D. in physics. We cannot get him cleared.

This is one of many examples of how it is not fair. I hope the distinguished majority leader will weigh in and help Dr. Jasko and others to get this roadblock cleared. It just really is not fair. We need some help on our boards and commissions. Therefore, I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, indeed, I will continue to work with the Democratic leadership to search for a way to confirm the remaining nominations. For those people listening who are not familiar with this process, as they can see, it is a give-and-take process that is a real struggle, but it does involve very important positions and, just as the distinguished Senator from Nevada said, individuals who are willing, who put themselves forward for public service in very important positions.

We will continue to work on those who remain on the calendar and future nominations.

**MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2003**

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair now lay before the Senate a House message to accompany H.R. 1047, the miscellaneous tariffs bill; that the Senate disagree with the House amendment, agree to a conference with the House, and the Chair be authorized to appoint conferees with a ratio of 3 to 2.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

**AUTHORITY FOR COMMITTEES TO REPORT**

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the Senate's adjournment,

committees be allowed to report legislative and executive matters on Wednesday, May 26, from 10 a.m. to 12 noon.

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

**AUTHORITY TO SIGN ENROLLED BILLS OR JOINT RESOLUTIONS**

Mr. FRIST. Mr. President, I ask unanimous consent that during this adjournment of the Senate, the majority leader or the assistant majority leader be authorized to sign duly enrolled bills or joint resolutions.

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

**AUTHORITY TO MAKE APPOINTMENTS**

Mr. FRIST. I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

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

**MEASURES PLACED ON THE CALENDAR—S. 2451 AND H.R. 1479**

Mr. FRIST. I understand there are two bills at the desk due for a second reading, and I ask unanimous consent that the bills be given a second reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the bills by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2451) to amend the Agricultural Marketing Act of 1946 to restore the application date for country of origin labeling.

A bill (H.R. 1479) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, and to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

Mr. FRIST. I object to further proceedings on the measures en bloc at this time.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

**ORDER FOR PRINTING OF H.R. 1350, AS AMENDED**

Mr. FRIST. I ask unanimous consent that the text of H.R. 1350, as amended by the Senate, be printed.

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

**ORDERS FOR TUESDAY, JUNE 1, 2004**

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Tuesday, June 1. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day and the Senate then conduct a period for morning business until 12:30 with the time equally divided between the majority leader or his designee and the Democratic leader or his designee.

I further ask that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly party luncheons. I further ask that at 2:15, the Senate resume consideration of the motion to proceed to Calendar No. 430, S. 2062, the Class Action Fairness bill, that the time until 5:30 p.m. be equally divided between the chairman and ranking member or their designees.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say through the Chair to the distinguished majority leader, we are going to have our conference on Wednesday for obvious reasons, because there will be so much travel. This year, Monday is actually Memorial Day. We are going to have very few people here until late in the evening on Tuesday, so I ask that the distinguished majority leader allow a modification to his unanimous consent request that we be allowed a time on Wednesday to have our party caucus.

Mr. FRIST. Mr. President, it would be so modified to have their party caucus luncheon at the usual time. Is it 12:30 to 2:15 on Wednesday as well?

Mr. REID. Approximately 12:45 to 2:15.

Mr. FRIST. 12:45 to 2:15 on Wednesday.

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

**PROGRAM**

Mr. FRIST. For the information of all Senators, the Senate will be voting on the motion to invoke cloture on the motion to proceed to the Class Action bill when we return after the Memorial Day recess.

Under a previous order, the vote will occur at 5:30 on Tuesday, June 1. That will be the first vote of the day. As I mentioned earlier, we will also need to complete the important Department of Defense authorization bill after the recess. It would be my intention to return to this bill upon completion of the class action bill.

Again, we need to assist our two managers on the Defense authorization