

need to recognize that all this effort that our U.S. Government and the American people are directing is to defend our security. That is an elemental point that we need to keep coming back to. We are fighting a shadowy enemy that seeks nothing less—their goal is to have destruction of our way of life, of the freedoms that we enjoy.

They take pleasure in wanton murder. They hide behind innocents and then slaughter them. They do so without hesitation. We can see the character of our enemy in the brutal slaughter last week of Nicholas Berg.

We saw it in the slaughter of Daniel Pearl, and we saw it in the slaughter of 3,000 innocent people on September 11 in this country.

As our President reminds us, we did not ask for this conflict. The war was brought to our doorstep. The battle against terror will last for years, and we all know that. That is the new reality. It may last for decades, but fight we must. It is a war we cannot afford to lose, and it is a war that we will win.

To his credit, Secretary Rumsfeld has shown vision and resolve in preparing us against these new threats. At the very beginning of the administration, Secretary Rumsfeld resaw the need to modernize our military. From focusing at the time on what was an outdated cold war strategy to now this current era of adjusting to new threats, which are posed by terrorism, to be able to address issues as we did in the Senate this week on bioterrorism, using viruses and bacteria and microorganisms that know no boundaries or borders and can spread rapidly—this is the new reality. He recognized that not all future threats to America will come from enemy soldiers in uniform. And before he became Secretary of Defense, he chaired a commission that identified the growing danger of a missile strike against the homeland.

Secretary Rumsfeld has been a strong and innovative leader. He has done a tremendous job in preparing our military for successful operations in Iraq and Afghanistan, and we are grateful for the tremendous service he demonstrates every day. America is, indeed, fortunate to have such an exceptional Secretary of Defense in these times of crisis. Every day he is on the job, he is helping to make America safer and more secure.

#### LEGISLATIVE PROGRESS

Mr. FRIST. Mr. President, before closing, I want to mention several things that have occurred over the past several weeks on a different topic. We are an evenly divided body in the Senate, and people say they haven't seen more partisanship ever in their lives than over the last several years. I know that is true, but at the same time all of us, both sides of the aisle, recognize we were sent here to govern and to serve the national interest.

As we prepare to enter into our weeklong Memorial Day recess, very

quickly I want to look back and share what progress we have made. Two days ago we passed Project Bioshield. It was supported by 99 Senators with a resounding yes. Project Bioshield, proposed by the President in his 2003 State of the Union Address, is comprehensive legislation that encourages research and encourages the development of new cutting-edge countermeasures to fight biological terrorism, chemical warfare, terrorism used with radiological or nuclear weapons. It is critical to our national security. This body came together and 2 days ago passed this important piece of legislation.

We also passed the JOBS bill which will protect more than 1 million high-quality manufacturing jobs in the United States. It cut taxes, a Euro tax that was going at \$40 million a month in this country on 100 American-made products.

Last week we passed, in terms of education, the Individuals with Disabilities Education Act. That special education bill refocuses our Federal law on outcomes for disabled children. It affects over 6.5 million children in this country and well over 400,000 special education teachers.

In the field of taxation and technology, we passed an Internet access tax moratorium extension which makes sure that we will be able to continue to access and promote broadband technologies. We are going to conference on the bill. We had agreement last week, actually last night, to go to the highway bill with the appointment of conferees. We have been able in the past week to come to an accommodation on the appointment of the President's judicial nominations.

We confirmed the nomination of Marcia Cooke. We confirmed John Negroponte to become American Ambassador to Iraq. The Senate has been productive, and I thank my colleagues for their hard work and cooperation.

When we return following Memorial Day we will go straight to class action reform. We will also return to the Department of Defense reauthorization.

We have a lot more to do, and I look forward to working with my colleagues in a productive, collaborative way as we move forward.

#### CLASS ACTION FAIRNESS ACT OF 2004—MOTION TO PROCEED

Mr. FRIST. Mr. President, earlier today the chairman and ranking member of the Armed Services Committee were here to make further progress on the Department of Defense authorization bill. We have adopted a number of amendments that have been cleared. However, we have been unable to vote on the pending amendment which was offered by Senator GRAHAM of South Carolina. In addition, Senator WARNER has been unable to secure an agreement for a filing deadline or an amendment list. We have a list of possible Republican amendments. However, there is an objection on the Democratic side of the aisle to limiting amendments.

Further, many weeks ago we scheduled the class action legislation for when the Senate returns from the upcoming recess. I would add that the class action bill does have strong bipartisan support, and we would like to finish that bill in a reasonable period of time. I believe we can, indeed, do just that. I had hoped we would have been able to proceed to that bill by consent, but again there is an objection to proceeding to the class action bill.

I want to reiterate that we are going to finish the Defense authorization bill. It is a critical bill, an important bill. It is a bill we have made progress on this week. We need to lock in an amendment list on this legislation, the Defense authorization, to allow our managers to work with Senators on their respective amendments and to make continued progress. This is a vital piece of legislation, and we will return to the bill.

My intention is to go to the class action bill and then return to the Defense authorization bill.

Thus, I now ask unanimous consent that at 2:15 on Tuesday, June 1, the Senate proceed to the consideration of Calendar No. 430, S. 2062, the class action bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, we are very disappointed that the distinguished majority leader is going to file cloture on this matter. We have said on more than one occasion we are willing to work toward completion of the Defense bill. We cooperated this week. We told the manager of the bill, both Senator LEVIN and I, let's go off of the Lindsey Graham amendment. We will agree to a 2-hour limitation of time when we come back next Tuesday to dispose of that and the Cantwell amendment that she would have offered. But that wasn't to be done. We indicated at that time that we would waste a lot of time.

We had a bipartisan amendment by Senator DASCHLE and Senator LINDSEY GRAHAM on TRICARE that would have moved forward. We had one that Senator KENNEDY had on the reporting. We were standing by with a number of amendments ready to go.

I would also say to the distinguished majority leader, we have supplied to the two managers of the bill our amendments, as Republicans have supplied amendments. There are about 100 amendments. They cleared a number this morning. They have cleared amendments in the past. I would also say that we take about 10 days on this bill normally. We don't think this bill will take that much time. We believe that when we come back, we would be in a position at that time, maybe not on Tuesday but by Wednesday, enter into an agreement as to a list of amendments. It is difficult to have our Members do this with a 10-day break because we don't know if there is going to be another Chalabi problem. We don't know if there is going to be another problem dealing with a prison.

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.