

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 inter-parliamentary 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

bill by securing a list of amendments and notifying them of potential amendments to that bill.

#### ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the provisions of H. Con. Res. 432, following the remarks of Senator DOMENICI.

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

The Senator from New Mexico.

#### ENERGY POLICY

Mr. DOMENICI. Mr. President, first I want to say I will be very brief. I have told the Senate, as best I could, that I would try to take the floor every day and say something about America's energy crisis. So today I want to speak again for a couple of minutes.

A week ago, some of my colleagues from the other side of the aisle were down here on the Senate floor complaining because they wanted the administration to persuade OPEC to increase its production. They acted and spoke as if our President was not doing anything about it, and that they were going to have to direct him to do it.

Instead of passing an energy bill, Senators on the other side continue to blame the President for the high price of gasoline. This administration has been part of an announcement today which I think indicates the President is doing his job well. Saudi Arabia has announced it will ask OPEC to increase its production by 2 million barrels a day.

That is the first solid good news we have had in a long time. If it happens, if they can, I think it is obvious part of that will be due to the good relations between our President and the Saudis. In a sense, the President is working hard with the tools he has to help us through this energy crisis.

But the American people are still waiting for this Senate to deliver an energy bill. I have been trying to pass the Energy bill for more than a year. Some of the same Senators who wanted the administration to persuade OPEC to increase production, as if the President were doing nothing, are the very Senators who have blocked the Energy bill for more than a year. Each of them

seems to have one other reason that they will or will not vote for this energy bill. I am telling these Senators, the administration is doing everything it can to address oil prices, and they have asked us repeatedly to produce an energy bill.

If you don't like the President's suggestions, let's do something else. The Energy bill we produced was not exclusively the President's, though some on the other side continue to say they didn't like the President's and we have the President's bill here. That is not the case.

I again ask that the other side of the aisle seriously consider the proposition of sitting down with our side of the aisle and working through the Energy bill to see if we can't get together on an overwhelming portion of it so if the OPEC cartel reduces oil prices and we get some good news that it will not be temporary, it will not be a one-time event, but we can send a message to the world we are trying to solve our problem by bringing alternatives to the market in America.

If we told the world we were moving on natural gas and moving on coal and moving on nuclear and moving on wind energy and we are doing something for our electricity grid that is important and long term, they would react first in disbelief, because they wouldn't believe we could do it, and then, when it was done, there would be great relief in the world that America is doing something to help itself out of this crisis.

I commend to my colleagues an article from the June 2004 issue of the National Geographic, at page 84.

You wouldn't expect that to be the great source of this information, but it has the best article I have seen on oil today and oil in the future. It is called "The End Of Cheap Oil." It tells us what a problem we have in America if we do not solve our energy crisis.

Let me close by saying most of us think our oil and its related products all go to automobiles and transportation. If you read this article you will find only half goes to that. Half of America's use goes to a myriad of products, from plastics to all kinds of related products, including many in the semiconducting industry. That comes from oil. Fifty percent of our use is for products, for agriculture, and all kinds of things.

I suggest we ought to get on with it. Maybe we learned our lesson and we

don't have to come down here and try to blame the President and make this a political issue with reference to the White House, when, if the President wanted to go to the public every day, he could make sure they understood the truth. That is, it is our fault, not his.

I yield the floor.

ADJOURNMENT UNTIL TUESDAY,  
JUNE 1, 2004 at 10 A.M.

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. on Tuesday, June 1.

Thereupon, the Senate, at 2:39 p.m., adjourned until Tuesday, June 1, 2004, at 10 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate May 21, 2004:

##### 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.

##### DEPARTMENT OF TRANSPORTATION

DEBORAH HERSMAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2008.

##### 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.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE. ◊