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Senate

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Heavenly Father, Creator and Sustainer of all things, we acknowledge You as the ultimate source of our lives and of all of the good that we know. We look to You to speak to the questions for which we shall never know the complete answers. We ask You only to reply in faith strengthened, hope renewed, and love deepened.

So bless our Senators today that their lives will be a testimony that old things have passed away and the new has come. Season their words with kindness and their spirits with humility. Remind them that honesty will keep them safe.

Help each of us to live with such integrity that trouble will flee. Give us the wisdom to remember that our future belongs to You. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 20, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BURR thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will resume consideration of the Energy bill, which we will complete this week. Chairman DOMENICI will be here to continue working through amendments. We made very good progress on the bill last week. We are on track to complete the bill later this week. As I announced at the end of last week, it may be necessary to file cloture on the bill tomorrow. If we file cloture tomorrow, the cloture vote would then occur on Thursday, which would allow us to complete the bill this week.

I hope we do not have to file cloture, but I think it is important for people to realize we are going to finish the bill this week. People had the opportunity at the end of last week to offer amendments. They will have the same opportunity today and over the course of this week. I do ask our Senators to work with the bill managers to expedite consideration of their amendments early in the week.

This evening, we will have a second cloture vote on the nomination of John Bolton to be ambassador to the United Nations. As announced earlier, the de-

bate for that vote has been scheduled between 5 and 6. We plan on having that vote at 6 p.m. today. We have a very busy week as we move through the Bolton nomination and the Energy bill. I expect we will have votes every day this week, including Friday, as we wrap up work on the energy legislation; therefore, Senators should be prepared and should adjust their schedules accordingly to remain available until we complete passage of this important bill.

RECOGNITION OF MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate minority leader is recognized.

Mr. REID. Mr. President, I agree with the distinguished majority leader. It would be good if we did not have to file cloture. Having said that, I do not know what it takes to get people to come over and offer amendments. Thursday afternoon, we were here. The two managers were willing to stay as long as necessary to meet whatever amendments were offered by Senators. I realize last week was somewhat disjointed because of the various events, but there was no reason on days and evenings when we were actually here and able to take amendments that people could not offer amendments.

Today, we have 3 hours to offer amendments on this bill. It will be interesting to see how many show up to offer amendments. I guess the alternative would be to see if we could get a finite list of amendments and have those the only amendments that would be in order prior to this bill's termination.

The other problem we have this week is that all over the country, there are base-closing hearings being held by the BRAC hearing commission. For Senators who are involved in these issues, they involve thousands of members of the military and thousands of civilians

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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who are tied to these bases, and they are going to leave and go to these hearings. Everyone should know that to wait around here and want to make sure that all of the Senators are here for a given vote—it will not work because I think there will be Senators gone virtually every day this week. I have received word from a couple of Senators who will not be here tomorrow. I know some of the hearings are going to be held in New Mexico, and I understand the two Senators from New Mexico are going to leave late in the afternoon on Thursday. They are the managers of the bill. So I hope that we can work into the night on this bill this week because if we have any hope of doing those appropriation bills next week, we have to finish this bill this week; otherwise, we will spend all next week on this bill, spending a lot of time in quorum calls waiting for people to come and offer amendments.

I am a little frustrated because I know there are people on both sides of the aisle who say they have amendments but they are not quite ready or they want to do it at a more convenient time. The convenient times are over. We will not have 100 Senators here on any day this week. That is the way it is going to be. So some of these very tough, tight amendments are going to have to be decided on the votes of less than 100 Senators.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I am happy to yield to the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. I say to the majority leader and minority leader, I apologize; I was not here for the entire dialog between the two of them. I know there is this business of who is going to be absent which days, but I say to both Senators, I do not think that should keep us from continuing to insist that Senators who have amendments bring them forward. We have to see them.

Mr. REID. That is what we said.

Mr. DOMENICI. We need to know about them. There are two that we know of, one to strike the inventory of offshore assets. That will take a little while. Somebody should offer that before the day is out. That is an hour or two, and there will be a vote. We think Senator FEINSTEIN has one. We would hope that would come forth. I think over the evening and midmorning tomorrow something will filter out with reference to global warming. Whether it is one, two, or whatever, there will be a conclusion, and somebody will offer an amendment. That will be the longest one.

I do not know what the Senate leadership wants to do about the fact that it is probably real that there will not be 100 Senators each of the days, but I do not know that that ought to keep us from moving forward and getting some accord as to finishing this bill. I do not know which day, but we are not in the

kind of problem we have been in the past. As both Senators know, we can get to the amendments pretty quickly.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, to clarify the comments that were going back and forth between the Senate Democratic leader and myself, we will finish the bill this week. We pay our respects to the Senator from New Mexico by saying he has been more than willing to be here to receive amendments. The fact that there were not a lot of people either on Thursday or today rushing to the floor to offer the amendments actually leads me to be very hopeful that we will complete this bill Thursday, although I know in all likelihood it is going to be Friday. We are down to just very few amendments.

We recognize that some people will not be here over the course of even today, voting tonight, tomorrow, and the next day. That is not going to slow us down at all in our obligation to address the Nation's business. When there are amendments, we will take them to the Senate floor to debate them. I think we are discouraged a little by the fact that people are not rushing down to offer amendments. On the other hand, it kind of gives me a little bit of encouragement. It means we are going to finish this bill. We are going to file cloture Tuesday in order to finish it, in all likelihood, unless we come to some agreement by both the managers.

I congratulate them for where we are today. We intend on finishing the bill with certainty this week.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. REID. I would be totally opposed to cloture being invoked if I felt the majority was somehow stopping us from offering amendments, but that has not been the case. There has been ample opportunity for people to offer amendments. So I think we either have to have a list of finite amendments the two managers can agree on or it appears cloture would have to be invoked.

Mr. DOMENICI. I thank the Senators for their comments.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY POLICY ACT OF 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Mr. DOMENICI. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator, Mr. WYDEN, is here and desires to speak.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 792

Mr. WYDEN. Mr. President, I thank the distinguished chairman of the committee, Senator DOMENICI. I ask unanimous consent to call up at this time an amendment I filed with Senator DORGAN, No. 792.

Mr. DOMENICI. Reserving the right to object, is there a pending amendment?

The ACTING PRESIDENT pro tempore. There is no pending amendment.

Mr. DOMENICI. He does not need consent to bring up the amendment.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is correct.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] for himself and Mr. DORGAN proposes an amendment numbered 792.

Mr. WYDEN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the suspension of strategic petroleum reserve acquisitions)

On page 208, strike lines 11 through 20 and insert the following:

(e) FILL STRATEGIC PETROLEUM RESERVE TO CAPACITY.—

(1) DEFINITION OF PRICE OF OIL.—In this subsection, the term “price of oil” means the West Texas Intermediate 1-month future price of oil on the New York Mercantile Exchange.

(2) ACQUISITION.—The Secretary shall, as expeditiously as practicable, without incurring excessive cost or appreciably affecting the price of gasoline or heating oil to consumers, acquire petroleum in quantities sufficient to fill the Strategic Petroleum Reserve to the 1,000,000,000-barrel capacity authorized under section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)), in accordance with the sections 159 and 160 of that Act (42 U.S.C. 6239, 6240).

(3) SUSPENSION OF ACQUISITIONS.—

(A) IN GENERAL.—The Secretary shall suspend acquisitions of petroleum under paragraph (2) when the market day closing price of oil exceeds \$58.28 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers United States city average, as published by the Bureau of Labor Statistics) for 10 consecutive trading days.

(B) ACQUISITION.—Acquisitions suspended under subparagraph (A) shall resume when the market day closing price of oil remains below \$40 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers United States city average, as published by the Bureau of Labor Statistics) for 10 consecutive trading days.