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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

O Lord most holy, who has found us wanting and yet has not forsaken us, deliver us from insincerity and thoughtlessness.

Help the leaders of this body to be strong and courageous. Keep them from deviating from the path of integrity and remind them of the importance of seeking Your wisdom. Give them an awareness of Your abiding presence and supply their needs. Help

them never to fail to do what they can to establish peace and justice among nations.

Lord, make each of us instruments of Your peace, carving tunnels of hope through mountains of despair. May we remember that You have determined our path and You direct our steps. We pray this in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, the Senate will resume consideration of the Energy conference report. A number of Senators came to the floor to speak on the Energy conference report yesterday. We had a good debate, good discussion, and the Senate will continue this debate throughout today's session.

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If the 108th Congress, 1st Session, adjourns sine die on or before November 21, 2003, a final issue of the Congressional Record for the 108th Congress, 1st Session, will be published on Monday, December 15, 2003, in order to permit Members to revise and extend their remarks.

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By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

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



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I do remind my colleagues that a cloture motion was filed on the conference report during yesterday's session, and that cloture vote will occur on Friday morning.

As we all know, we are scheduled to consider several major pieces of legislation over the next few days. In addition to the appropriations measures and the Medicare reform package, there will be other conference reports that will become available for Senate consideration, and we will attempt to clear those measures for Senate action as they arrive.

In addition to that, we will also continue to work through nominations on the Executive Calendar. There are some roadblocks right now, but we are doing our very best to address those. There are a number of important nominations that are ready for confirmation, including judicial nominees who should be cleared, the Department of Homeland Security positions, a number of ambassadors, Health and Human Services officials, and the list goes on and on. They are ready for confirmation.

I understand there are Members who are objecting to all of those nominations. I urge my colleagues to allow us to schedule votes on at least the non-controversial nominations. Some of those nominations are being held up by colleagues who say nothing is going to go through. At least let the non-controversial nominations proceed. It is clear we can't, in these final few days, be held hostage to unrelated matters on these important nominations.

I mentioned the Senate will need to work this weekend in order for us to finish all of our business. We will have a clearer picture as to what to expect over the course of the weekend as this day progresses. I do alert everyone that the likelihood of being in Saturday is very high and possibly for a period of time on Sunday as well.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Mr. President, the majority leader has been consulting with us with regard to the schedule. I share his view that there is an opportunity here for us to complete our work, if we can find a way to resolve the remaining issues before the Senate. We have a lot of work to do on conference reports, on the omnibus legislation, and on certain nominations.

I will say there are a number of holds on the nominations in part because of a misunderstanding perhaps with the White House on a particular nominee that has to be resolved if we are to move forward on these nominations. I am hopeful that can be done perhaps as early as today. That is one of the major obstacles to addressing successfully a number of other nominees.

This is going to be a busy week. I certainly urge our colleagues not to make

plans for Saturday or Sunday until we know better what the scheduling entails. I think it would be important for us to give our Members adequate notice with regard to the schedule, perhaps once or twice a day updating people as to what the schedule may hold. We will certainly work with the majority leader in attempting to address the many challenges we face with regard to the legislative schedule yet before us.

I yield the floor.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, the Democratic leader and I have been in consultation and will continue to be in consultation over the course of the day—as he suggested, pretty much every few hours—to facilitate what is going to be a challenge in moving in a reasonably orderly way all that we have on the table.

I do want to mention in my opening comments that we are very close to addressing Healthy Forests. I plead with everyone, hopefully over the course of this morning, to resolve whatever remaining issues there are in terms of holding up that legislation. If we go to conference quickly, that very important legislation will be addressed. I think we are just about there. We were just about there last night. If we can get that over the goal line this morning, that would be helpful.

The PRESIDENT pro tempore. The minority leader.

Mr. DASCHLE. Mr. President, I am pleased the majority leader mentioned Healthy Forests. I would have done it if I had remembered. Of course, Senator COCHRAN and I had a very good conversation yesterday. Based on that conversation and his assurances that extraneous material would not be included in conference, we are prepared to go to conference now.

We have had good success in reaching agreement on the forest health provisions of the bill. There are other issues that still remain to be addressed. I share the view of the majority leader that we are now at a moment where I think we ought to try to complete our work. It would be great if at the end of the day we could set aside the pending legislation and pass that conference report. I think we are going to get a good broad bipartisan vote on the legislation. I applaud those who have taken us to this point. This is good legislation. It deserves support. I look forward to finishing work on that bill as well.

I yield the floor.

RESERVATION OF LEADER TIME

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

ENERGY POLICY ACT OF 2003— CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will re-

sume consideration of the conference report accompanying H.R. 6, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany H.R. 6, an act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDENT pro tempore. The Chair is in doubt. Under the previous order, the Senator from New Mexico was to be recognized first.

Under the previous order, the Senator from California is now recognized for 60 minutes.

Mr. REID. Mr. President, we received word Senator DOMENICI would not be here this morning. Of course, he is managing this bill. Whenever he comes, we will work him into the order.

The PRESIDENT pro tempore. The Chair thanks the Senator from Nevada. (Mr. SMITH assumed the chair.)

Mrs. FEINSTEIN. Mr. President, I have come to the floor as a Californian to say there is very little in this Energy bill for California. There is very little to prevent future blackouts. There is nothing to protect consumers from manipulation and gaming of the system that we experienced a few years ago.

There is nothing to improve our Nation's energy security by increasing fuel economy standards. In short, from a California perspective, I see this bill as one giant giveaway to special interests, particularly the ethanol, the MTBE, the oil, the gas, and the nuclear power industries of this country.

I had hoped that this Congress, and in particular the Energy Committee on which I serve, following the Western energy crisis and last summer's blackout in the Northeast, would pass a sensible bill that would improve our Nation's energy supply while protecting consumers, the environment, and the economy. But as I read this bill, that is not the case. This Energy bill was drafted behind closed doors, without any input from Democratic conferees or from those of us on my side of the aisle on the Energy Committee. Simply put, it is one of the worst pieces of legislation I have seen in my time in the Senate.

It is interesting that today on every Member's desk is a summary of editorials. There are over 100 editorials from newspapers, large and small, all across this great country saying "oppose this bill." In fact, 100 newspapers around the country have come out opposed to the bill and editorialized against it. I will quote from one of them. Let me begin with the newspaper whose editorial policy is generally very conservative, and that is the Wall Street Journal. Let me read what the Wall Street Journal says about this legislation:

We realize that making legislation is never pretty, but this exercise is uglier than most.