

though there have been two overwhelming votes in both the House and the Senate.

Another deals with outsourcing. There were overwhelming votes in the House and Senate dealing with outsourcing, privatizing. The White House doesn't like that, so they want it changed.

There were two overwhelming votes dealing with overtime pay. The White House didn't like the votes of the legislative branch of Government, so they, by fiat, want to change that.

Then we have other issues that are troublesome in this bill, not necessarily to this Senator but to other Senators. We have situations dealing with when the ATF destroys records of the instant check on guns. The legislation called for 90 days. It has been shortened to 24 hours.

There is a situation that has come up that has overtones of the abortion debate. This is dealing with cloning, human cloning. We thought it was so simple in the committee that we—people don't want to do cloning of human beings, but there is a protracted dispute as to how to write that.

This bill may pass when we come back in January. But we can come back next week, the week after—it is not going to happen. It is not going to happen, as important as this legislation is. And no one knows the importance of it more than the senior Senator from the State of Connecticut, Mr. DODD, who has fought for this legislation, making sure that we have fair votes across the country, that we have votes using the same pieces of equipment, basically, so we do not have the problems we had in the last Presidential election.

We understand the importance of this legislation, even though it is not the right way to do things. We would rather do appropriations bills. We accept the omnibus strategy. But here it is, November 25, 1 more day from the eve of Thanksgiving and we don't have a final draft of what they want us to approve, in addition to all of the things that have been interfered with by the White House.

I believe in the Constitution of the United States. Here it is. This is the second one. It was given to me by Senator BYRD. I wore the first one out. He gave it to me. I treasure the other one, although it is worn out. I asked him to give me another one.

The Constitution, among other things, calls for three separate but equal branches of Government. This is not a king's court. This is an Executive led by the President and a Congress that has two branches; the House and the Senate. Then, of course, we have the courts. The President can't just override by dictates what we have done here in a legislative body. I know there are crocodile tears being shed by people saying: Why can't we do the omnibus?

These are only some of the reasons. Some people badly want to pass this

omnibus bill, and the reason is quite clear. My friends have come to me and indicated that they agreed to do this in the Energy bill, or in this bill we just passed, because they were told they would get things in the omnibus. I understand the legislative process. I have no qualms about arrangements being made. I believe legislation is the art of compromise. That is how we work with different legislation. There is nothing wrong with that. It is not illegal or immoral doing that. But you have to understand that it will be a difficult time.

I favor the omnibus. I want to get it done. I have worked very hard on the omnibus. The Senator from New Mexico and I added money in our energy and water bill. There was no problem at all. We have worked with Senator BYRD and Senator STEVENS to make sure we were part of the deal. We didn't want to interfere with getting a bill. We were told there were certain things that needed to come out of our bill and which could only come from our part of the omnibus. We agreed to do that.

But I repeat: If we only had appropriations matters in this bill, this thing would whip out of here in a second because the chairmen and the ranking members of the appropriations committees are Members of the Senate who are appreciated and respected. They know we wouldn't jam things into those bills. I speak for all of the other 12 appropriations subcommittees on the Democratic side.

But we don't have that situation. We have a situation that these two legislative bodies agreed to overwhelmingly. But the White House won't leave them alone. That is why the House hasn't given us a bill because the White House won't leave them alone. They keep wanting other things stuffed in it.

When we come back in January, I hope this is the first bill we take up. I hope the second bill we take up is the highway bill. I hope we get to this bill. It is too bad we are not going to do something for the months of December and January. It would be better for the American people, and it would be better for my State. But we can't agree to this because we have so many problems dealing with FCC and outsourcing. We swallow hard and take the across-the-board cuts that Senator STEVENS said we have to do. That is fine. There are issues such as dealing with guns, abortion, and overtime. People don't have to come and tell us what is in this bill. We know what is in this bill. We know how important the bill is. Go down 16 blocks from here and tell them to leave us alone and let us go back to the constitutional basis of this country and have a Congress that does what it wants. If the White House doesn't like it, let them veto the bill. But they have no right, in my opinion, to start stuffing things in the bill that the House has overridden—overtime, FCC, outsourcing, for example.

I want this omnibus bill to pass. We want the omnibus bill to pass. But we are not going to under the constraints we have.

Remember, it is November 25 and they still haven't filed the papers. We are asking for unanimous consent to pass this. A legislator would have to have rocks in their head to agree to something they haven't yet read.

The PRESIDING OFFICER. The Senator from New Mexico.

THE ENERGY BILL

Mr. DOMENICI. Mr. President, I rise to make a few observations for the Senate and for our people regarding the Energy bill that is still pending as we leave.

First, I hope and pray that during the ensuing months without an Energy bill we don't have high spikes in natural gas prices and the people of our country asking: What have we done about it? Our answer is nothing. I hope that doesn't happen. But I think there is a chance it will happen.

I hope there isn't another blackout. I am not sure there will be but there could be. If there is, the American people are going to ask why and we are going to tell them because we did nothing. There was something that was in that bill that would have solved the problem, according to the experts, and the answer will be, if you have a blackout, we did nothing.

For all of those who have projects that will be finished in wind, energy, solar energy, and renewables, they will be looking around and asking: Where is my next project? The answer will be there is no next project. The question will be: Why? And the answer will be because we haven't provided laws that will give to those kinds of projects the tax relief to which they are entitled and which they have been receiving that will keep wind energy going and solar energy going and geothermal energy going.

When these projects stop and thousands of people who are working in the industry have no jobs, when there are no new projects, the question will be asked: What happened? The answer will be simple. We didn't pass an Energy bill. I can go on with many more such as this.

In closing, I hope the Federal Energy Regulatory Commission does not act with the full power that the Federal Energy Regulatory Commission now has. I hope the Federal Energy Regulatory Commission will understand that we were that close to deciding we did not want the Federal Energy Regulatory Commission to have the single and sole power to regulate electricity interests in this country.

But when the first electric-generating plants and generating systems are mandated by the Federal Energy Regulatory Commission to join in organizations that they don't want to be in, and they ask the question why, the answer is going to be clear.

For those Senators who represent them who are upset because their utilities are being forced to conduct themselves in a manner that the Federal

Energy Regulatory Commission determines singularly and solely, the question will be: How can they do that? My friend, Senator CRAIG from Idaho, knows how they can do that. That is their authority without an Energy bill.

We modified that significantly to take into account the differences in our energy system. That is gone. Between now and the time we get a chance to take another look at this bill, perhaps we will have a few of those mandates that will take place. Then people will ask: Why did that happen? I will say: Well, there was nothing we could do about it. The Senate chose not to pass the bill.

I acknowledge that the Senate worked its will at least temporarily in an interim decision, but I am hopeful that in the next couple of months as we watch things get worse in the energy field we will find a way to come back to this bill and pass it substantially as it is, and if some adjustment has to be made, that we will find ways to do that.

It isn't going to be easy. But neither has it ever been easy to pass an energy policy for this country. We have been looking for it, looking at it, staring at it, watching it evolve and doing nothing for many years. We passed a bill about 10 or 12 years ago. But it wasn't like this bill. It wasn't a dramatic change in the policy of our land in terms of energy production and energy efficiency and energy alternatives. Those are temporary—while the winter season hits. Those are out there with no action. They have a big NA after them—no action—or a big nothing done by Congress after each of those episodes that could occur and that will embarrass us because we didn't do our job.

I yield the floor to the distinguished Senator, Mr. CRAIG.

The PRESIDING OFFICER (Mr. CHAFFEE). The Senator from Idaho.

Mr. CRAIG. I thank my colleague, the senior Senator from New Mexico, for yielding.

Let me first and foremost thank him for the phenomenal time and effort he has put into a national energy policy. We missed getting cloture by just two votes. Again, a majority of the Senate supports your work. It is full, it is comprehensive, it is revolutionary in driving this country toward having reliable energy once again.

As the average American got up this morning and flipped the light switch, the lights came on. They expect that to happen every day. What they do not understand is that there is now a risk in our country that might not happen. Why? Because over the last decade we have not allowed the energy sector to reinvest, to reconnect, to change the way it did business in the past. Government regulation, in almost every instance, stood in the way and created a supertest and sometimes total obstruction in the ability of a company to invest back into the energy sector.

During the decade of the 1990s, if you wanted to generate electricity, how did

you do it? You used natural gas because the Clean Air Act said you could do it no other way. So we did. But on the other side, we were not producing more natural gas so we used up the surplus capacity, and a couple of months ago gas spiked—at \$5 to \$6 per million cubic feet—astronomically high. What happened? The chemical companies shut down and sent their work overseas. Of course, those electrical plants that were built in the decade of the 1990s, that were generating electricity, turned off the switches. They could not afford in the marketplace to be able to generate electricity. The bill we have in the Senate today, that we have been denied passage of, would go a long way toward remedying that problem.

If the American consumer believes you pass a bill tomorrow and the light switch is reliable, they better remember its reliability is based on a decade of investment, that it does not happen just overnight. What the Senator from New Mexico was trying to do is drive that investment forward for decades to come to create reliability.

The other morning I woke up to the announcement that the President of the nation of Georgia had just resigned. What does that mean as it relates to our energy? We want the oil out of the Caspian Sea to flow into the energy markets of this world to drive down overall prices and to create availability. Guess what happened. Companies are building a major pipeline across Georgia. They invested heavily through the politics of this President. He resigned. Georgia is almost in revolution. Yet that \$2 billion pipeline that is going to start producing about 1.2 million barrels of oil a day into the world market may not produce.

The significance of the resignation of Shevardnadze, the President of Georgia, is quite simple. He, by that action, created some degree of instability in the world oil market. If we are going to continue to rely on our supply flowing from unstable areas of the world, then the American consumer can expect broad fluctuations at the fuel pump—\$1.50, \$2, \$2.50.

The passage of this legislation would stabilize that kind of action. There is no question. If this Senate thinks we will rely on the nation of Georgia or the Caspian Sea or Saudi Arabia or anywhere else to be a reliable, continual supplier of hydrocarbons into our system to fuel the gas pumps and to fuel our chemical industry, they ought to think once again.

The Senate Energy Committee has fought long and hard about this for the last decade. In the last 5 years we have worked hard, in the last 2 years we have kept the lights burning all night to try to craft a bill.

The Senator from New Mexico got that job done. We missed by just two votes in the Senate. It is the President's No. 1 priority. He thinks like we think, if we do not make a major move in the direction of beginning to supply energy to the country once again, the

availability of jobs, our cost of living, our lifestyles, our standards, all that we hold dear as Americans will have to change because so much of what we do today is based on a relatively low cost, reliable supply of energy to all sectors, all segments of our economy.

Shame on this Senate because a little bit was not right or a little bit was not right there. Nobody looked down the road. Nobody got out in front of their headlights to try to understand the implication of failing to move a bill that produces long-term investment in the energy sector.

We just passed an important bill for all citizens of our country. It is an expenditure right out of the general fund of the United States Treasury. While we were criticized on the energy side for some of the tax credits in this bill, there is a fundamental difference.

First of all, the industry has to invest in the economy before they can get the credit out. They have to drive investment. They have to go out and borrow money, pour concrete, build transmission lines, and hire people. These jobs, created by the tax incentives and the investment, is somewhere in the neighborhood of 800,000 over the decade into the energy sector.

There is a fundamental difference in the way both bills ought to be looked at. While what we just voted on is an important expenditure for the well-being of our country and the well-being of our citizen's health, this is an investment in the infrastructure, in the stability, in the light switch reliability.

Tomorrow morning, for anyone who is listening, when you flip that switch for just a moment, think, how did the electricity get there? No one really understands it unless you have studied it. Think a little bit about it. When you go to the gas pump and fill up your car, ask yourself why it is a little higher now than it was a year ago. How did it get there? All of that is part of what makes our country work.

The Energy bill we had before the Senate, the Energy bill we must have before the Senate again when we return, will speak to that, speak to it clearly, and say to the American people, the Congress of the United States has looked out into the future, determined what the fundamental needs are, and is creating an environment of investment that creates reliability, that creates conservation, that creates new technologies, that drives the energy sector in the direction of production as well as conservation for the well-being of this country and future generations.

I thank the senior Senator from New Mexico for all the work he has done in 2004. Early on in the next session of the 108th it is incumbent upon this Congress to finish our work on that issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the distinguished senior Senator from the State of Idaho, Mr. CRAIG,

very much for his comments and his help on the bill thus far.

He made a great point about the future in terms of investment and the infrastructure. This bill would have encouraged that. That is just one item.

There is an ancient piece of legislation called PUCHA, and it would have been repealed. People have been saying it should have been repealed for decades. It makes it hard to get the kind of investment in this industry that most industries can get. We finally repealed it this year. It was stuck in the mud of an ancient bill. We are scared to let money get invested in utilities and utility investment in business.

Everywhere you looked there were things to be fixed. That is why it is a big bill.

There is an issue, Senator, regarding the MTBE, the substance approved by the United States Government as an oxidizer for gasoline. There is no question Senators brought issues with reference to it to the attention of the Senate. We have to take a look at that with the House because the Senate has many Members who are worried about that issue. We know we get no bill or we take that in conference.

I hope the House will look at that in January because when this bill dies, there is no protection for the producers of MTBE. When it dies, the hold harmless clause that we put in—and we can sit around a table and with enough time we can convince almost anyone that they are not so bad as some implied. That is a major issue that will have to be looked at. I thank the White House for helping us on that—or trying to help. There are those who think it is the most important issue around, and I have an empathy with them.

I call on them to apply their thought process in the next few months. The bill will die if we do not inject life into it. With it will go whatever protections the MTBE industry got in this bill. Maybe that is the way we can look at it when we come back and try to figure out a way to take a frontal attack on that issue. Who knows, there might be enough Senators who may want to take a look at that bill just on that point alone.

I close now by thanking Senators who worked very hard on the bill. It is as difficult an undertaking as you can have. I decided to do that after years on the budget, and it is much more difficult than writing the budget for the United States. We did it, but in a sense we are two votes short. The rule is it requires 50 votes for adoption, but we did not have enough for a filibuster, which would require 60.

So with that, I yield the floor and thank the Senate for listening.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

ACCOMPLISHMENTS THIS YEAR

Mr. SANTORUM. Mr. President, I commend the chairman of the Energy Committee and the Senator from Idaho

for their fine work on the Energy bill. While we are not going to get that bill passed before we leave for the holiday break, it is something that I know the Senator from New Mexico and the Senator from Idaho and others are going to work on and diligently try to accomplish for the reasons they outlined.

Mr. President, I wanted to run down and put into the RECORD a summary of some of the things we have been able to accomplish this year.

We go out on the accomplishment of delivering to the American people what has been asked now for several years by our seniors, and not just by seniors but by the children of seniors and the grandchildren of seniors, who see the fiscal strains that have been put on their parents and grandparents as a result of, in many cases, not having prescription drug coverage or having prescription drug coverage that is very expensive. Particularly for lower-income individuals, it can be quite a drain on their resources, as well as diminishing their quality of life in their senior years.

So we go out on somewhat of a high here. And as it should be, because we have accomplished a lot this year.

If you go back to when this session started, and the Senator from Tennessee became the majority leader in the transfer of power, if you will, here in the Senate, the first thing he said we would do was clean up the mess that did not get accomplished last year.

We had no budget last year, which meant we could not really pass any of our appropriations bills. The Government spending was locked into last year's level, and we did not have a whole lot of new initiatives at the time, when we were looking at a whole new Department of Homeland Security, a war on terror, and a war on the horizon in Iraq.

There was a lot of uncertainty going on here, and we did not have the fiscal discipline in place to be able to get our fiscal house in order here in Washington, DC.

So the first thing we said we would do was we would clean up that mess and pass the spending bills, and fight off repeated attempts, in almost \$1 trillion in amendments on the other side, of adding spending to these appropriations bills and then subsequently to the budget that we passed after we passed the appropriations bills from the prior year.

So we passed the appropriations bills from the prior year. On top of that, we put a new budget in place, and we passed a budget. We thought that was important. Many here thought another budget could never pass in the Senate because of the practice of last year and the difficulty in trying to get a budget into the framework of seeing really slow growth compared to what we have seen in the past 7 or 8 years.

That was accomplished. It was tough, and a lot of tough votes. We were able to stand tall and fight back amend-

ments from many on the other side of the aisle. And some on the other side of the aisle joined us. I thank those Members who have stood up, just as many did today, to what appears to be, from the Democratic leadership point of view, obstructionist tactics that are used here in the Senate on almost—I almost want to go back and maybe reconsider the term “almost”—I will say almost everything, but it is almost everything to the point where you think it is everything. But we have had some cooperation from many Democrats, and certainly enough to get some of the more important bills that we considered here done. I thank those who participated in that bipartisan cooperation.

We were able to accomplish a budget. We were able to accomplish, as a result of the budget, a tax plan, again, done in a bipartisan way, here on the floor of the Senate. And the effects of that tax plan have been really some of the most startling economic news we have seen in a long time.

Just today, it was announced for the last quarter growth—which was really the first full quarter that was able to get the impact of the President's tax reduction and jobs growth proposal—we saw it now not at 7.2 percent growth but 8.2 percent growth, the best in 20 years in this country. That is an enormous feather in the cap of this administration's policy of stimulating growth in the economy by reducing taxes, particularly targeted at investors and small- and medium-sized businesses.

We were able to accomplish that because we had a budget we passed in the Senate that allowed for a tax reduction that has been put in place. As a result of that tax reduction, which in part was reducing capital gains tax, but also reducing the double taxation of dividends, it has caused a \$2 trillion increase—a \$2 trillion increase—in valuations of equities in this country. That is an enormous turnaround.

I was watching the news this morning, and someone was talking about their retirement savings having been eroded, and the impact on seniors, and the impact on those who are approaching those seniors years and their ability to have a stable retirement. When you add \$2 trillion back to the value of those equities, you do a lot to stabilize people's retirement and give them the peace of mind they are going to be able to get through their retirement years with a fair—hopefully, good—standard of living.

That was as a result of the budget, the leadership here in the Senate and of the Senate Republicans, and ultimately the tax reduction that was passed as a result of the great leadership of our President.

We were able to provide resources for, obviously, the war on terrorism and homeland security, which is a new appropriation. The Senator from Mississippi, Mr. COCHRAN, who chairs that subcommittee, was just in the Chamber. We passed that bill in a timely