

not have gone on in the Abu Ghraib prison, what I am going to talk about for a moment is what the average American, taxpaying, consuming, voting public, has experienced this past weekend.

They went to the service station in their local community and filled up their gas tank with the highest priced gas in the history of this country. They paid anywhere from \$1.84 to over \$2.50 a gallon, depending on where one lives. When that credit card or that cash was handed out, that American consumer had paid more for gas at that moment on that day than ever in the history of this country. Yet this Senate, embroiled in Presidential politics at this very moment, fails to deal with this issue.

I am amazed that last month the American economy struggled along and created nearly 300,000 new jobs, and we may well end up the quarter with one of the strongest growth periods in the American economy than we have had in a decade, and yet in all of those struggles, the American economy is spending more for energy than ever in the history of this country.

I have not heard one speech on the floor about blame big oil, and the reason I have not is because I think there are a lot of Senators who are hiding at this moment or not wanting to address the fact they voted down a national energy policy some months ago and denied the American consumer a progressive Government policy that begins to promote investment and development in the energy sector of this country.

At the close of business on Friday of this past week, the futures for crude oil in some categories went to over \$38 a barrel. That will translate down the road to nearly \$3 a gallon at the pump in the United States. I bet I am one of the few who will come to the floor today and speak about the crisis in energy that is draining this economy while all of that money flows to the Middle East because we are so focused on the Presidential fingerpointing that is going on at this very moment.

Why don't we fingerpoint at ourselves for just a little bit? Why don't we blame big government and big politics at this moment for the failure of the Senate to address and pass a national energy policy for this country?

When we talk about growth and we talk about the average American family's needs, have we told the American family this year they are going to spend between \$400 and \$500 more for gasoline than they did a year ago? No, we have not told them that. I am telling them that today because that is what they are going to spend.

They are also going to spend a great deal more for a lot of their consumer goods that are made with petrochemicals. Carpeting in our homes today is synthetic and made as a derivative of the hydrocarbons or petroleum. Paint, plastics, all of those kinds of products are critically important to the American consumer, and the base resource

that makes them is petroleum. Yet this country has had a "no development" policy for well over two decades. We have run around and stuck our heads in the sand hoping that somehow we could just get through this while the world was becoming an ever larger consumer of hydrocarbons.

We have good conservation policies in place, and we would have better conservation policies in place had we passed a national energy policy. We would have pro-production policies in place and we would be sending the economy toward producing once again had we passed a national energy policy.

My guess is bids would have gone out for the development of an Alaska gas pipeline to bring billions of cubic feet of gas to the lower 48 had we passed a national energy policy.

We would have the legitimate right to say to the consumer that we have done something for you. Oh, yes, we were asleep at the switch for a decade fighting over the environment and fighting over the politics of who wins and who loses in energy production, but we cannot even say that today. We cannot even say we did the right things.

I was doing a radio talk show this morning and somebody said: Isn't this the President's fault? I reminded them that the first priority of the Bush administration when they came to office 3½ years ago was a national energy policy, and while the other side is trying to subpoena the records and pick the books and argue that this was somehow a clandestine gathering, what they failed to recognize is the multiple recommendations made by this study group, headed by the Vice President, was early on and was a priority of this administration.

We took those recommendations with the work the Energy Committee has done in the Senate, under the leadership of PETE DOMENICI, and we crafted a national energy policy. It was not about who was a winner and who was a loser. It was about getting this country back into the business of production so the American consumer would not have to pay \$2.50 a gallon at the pump for their gas. But, once again, we got embroiled in politics.

Somehow winners and losers wanted to be picked by some. Somehow we could not touch the pristine environment of ANWR of Alaska to bring that oil south to the lower 48 and to give us leverage power in the world market to tell the world producers that we were not going to be held hostage by their restrictive production that would drive up prices. We did none of that. Even though a majority of the Senate—Republicans and Democrats—voted for a national energy policy, a few dragged their feet, we missed that magic number of 60, and a national energy policy did not go forth.

What did I tell that phone caller today when he said, Shouldn't we blame the President? I said, no, he was the first to lead us. We simply would

not follow because, you see, our politics was better or smarter, and, in this instance, it might well have been dumber. So blame Congress and blame the Senate and check the voting records of your individual Senators to see where they were on the development of a pro-production, pro-conservation, multiple alternative, new technology energy policy for our country.

As the summer goes on, all of our refineries are operating at peak capacity at this moment, but that which they are refining, nearly 60 percent is produced by a foreign country, and those foreign countries are raking in U.S. gold today in the form of U.S. dollars like they never have before. All of our money flows overseas instead of developing in this country and producing jobs and improving our economy.

Call your Senator and say: Vote on a national energy policy. It is right there in front of you. Quit playing politics with this issue. I believe the American consumer grows angry that the price they pay at the pumps is the highest price they have ever paid for gas. This time they have only one group to blame, and that is the Congress of the United States, for failing, at the urging of the President and at the urging of consumer groups and all who have studied this issue over the years, they have us to blame because we could not produce a national energy policy for this country. It is big politics and a failing Senate.

While we continue the debate about the tragedies of Iraq—and we should get to the base of that issue, let's not forget there are other issues in this country that are very important to job creation, to the long-term economic stability of our country, and one of those will be the cost of energy and the cost of input into the economy of this great country.

Let's pass a national energy policy. Let's pass the tax incentive package that is within the FISA bill. Let's get at it, Senate, and do the work we were sent here to do and allow this country to get back into the production of energy so we can challenge the world market and provide our consumers with that which they deserve: an abundance of reasonably priced energy and a variety of alternatives to pick from in this great marketplace of ours.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak in morning business and use such time as I might consume.

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

#### CLOTURE VOTE ON THE JOBS BILL

Mr. BAUCUS. Mr. President, Albert Einstein once advised, everything should be made as simple as possible but not simpler. In other words, know when you have done enough.

On the JOBS bill that will soon be before the Senate today, we are near time when we have done enough. The Senate has returned to the JOBS bill now for the 14th separate day over the course of 5 separate weeks. The Senate has considered 28 separate amendments. It adopted 17 separate amendments. Many of the amendments the Senate considered, such as Senator HARKIN's amendment on overtime regulations and Senator WYDEN's amendment on trade adjustment assistance, have not been strictly germane to the bill at hand.

The modern Senate does not regularly devote such time and freedom of amendment to major bills. It is really not that normal for the Senate to consider every amendment until no other Senator seeks to offer amendments.

My colleagues will remember the Senator from Louisiana, Russell Long. Senator Long served as chairman of the Finance Committee from 1965 to 1981. When Russell Long would bring a major tax bill to the Senate floor, he would frequently file cloture early, just to require that amendments be germane.

With the advent of the budget reconciliation process in 1981, the Senate began considering major tax increases in Senate reconciliation bills. The reconciliation process, as we know, limits debate to a maximum of 20 hours, pretty much 2 or 3 days, and reconciliation restricts Senators to only germane amendments.

In 1996, the Senate began considering tax cuts under the tight rules of the reconciliation process. Since then, almost every major tax bill has been a reconciliation bill. This year, a number of Senators sought to have this JOBS bill considered in reconciliation. To his credit, the chairman of the committee, Senator CHUCK GRASSLEY, fought these efforts. He and I talked about this several times. He frankly prevailed on many on his side of the aisle in arguing that this tax bill, the FSC/ETI bill, should not be under reconciliation under those very tight conditions but should be a regularly considered bill, and he prevailed. I commend him for that.

Let us now look at this bill. This bill began as a venture of both Democrats and Republicans working together in the Finance Committee. I might add the vote was 19 to 2. Only two members in the committee voted against this bill, and they were on the other side of the aisle.

This bill's major provision, tax cuts for American manufacturing, is really a Democratic priority. Democrats have sought all along to create and keep good manufacturing jobs in America. We advanced this priority when many House Republicans sought to maximize tax breaks for international businesses or, to put this another way, the Finance Committee decided after consulting with Members on both sides of the aisle, both Republicans and Democrats, that it made more sense for the

FSC/ETI placement bill to have a deduction for manufacturing produced in the United States rather than the approach taken by the majority party in the other body, which wanted a corporate tax reduction, international tax reduction bill, not a domestic manufacturing jobs bill. So it is a very different approach.

Again, to his credit, the chairman of the committee, Senator GRASSLEY, agreed with Members on both sides of the aisle that the best solution is the Republican and Democratic approach, the bipartisan approach, to help create more jobs in America by providing for the 9-percent manufacturing deduction. Contrast that with the House majority approach, which is much different, and I am quite certain a majority of our Members, certainly on this side of the aisle, are against it.

When it comes to the question of how much and how long we need to fight for amendments on the Senate floor, I think it matters whether we are talking about a partisan bill where the majority has closed the minority out of the process or are we talking about a bipartisan bill where Senators have worked together across the aisle. This clearly has been a bipartisan bill.

Our bill advanced the Finance Committee as a cooperative venture. The chairman of the Finance Committee and I working together included many of the provisions in the bill in response to requests from Senators on this side of the aisle. I daresay many provisions in this bill are in response to a request by Senators on this side of the aisle, although a good number are in response to Members on the other side of the aisle. So therefore this bill reflects a very open and democratic process.

Once we came to the Senate floor, this Senator tried to ensure that the Senate consider the maximum number of amendments, as many as we possibly can. Twice before on this bill, I have fought cloture, worked against cloture, to ensure that the Senate could address, for example, Senator HARKIN's overtime amendment and others. The Senate did consider that amendment. The Senate adopted that amendment. Over the course of last week's Senate consideration, the chairman of the Finance Committee and I have attempted to maximize the number of amendments the Senate could consider, and now the Senate has considered 28 amendments. It adopted 17 of those. That, I believe, is a very respectable record.

Now, when the Senate appears to be stymied over whether to vote on the amendment of the Senator from Washington on unemployment insurance, I continue to work for a vote on that amendment.

So here is where we stand: If the majority can see that there is a prospect that the Senate will invoke cloture on this bill, then I believe the majority will allow a vote on the unemployment insurance amendment; but if the majority sees that Senators on this side of

the aisle are united against cloture, regardless of whether they allow a vote on the unemployment issue, then I believe the majority will not allow a vote on the unemployment insurance amendment. That is where we are. It is that simple.

If Democrats want the Senate to vote on unemployment insurance, then we need to show some prospect of bringing this bill to a close. I believe we should accept that offer to get a vote on the unemployment insurance amendment. To do so, we should support cloture.

We should acknowledge that we are near the time when we have done enough. I say "near time" because even after the Senate invokes cloture, the Senate may still consider germane amendments. There are several amendments I believe the Senate will be able to consider postcloture. For example, there is the amendment by the Senator from South Carolina, Mr. HOLLINGS, to strike the international provisions. There is the amendment by the Senator from Michigan, Mr. LEVIN, on tax shelters. There is the amendment by the Senator from Louisiana, Ms. LANDRIEU, to provide tax benefits to reservists. There are amendments by the Senator from Arizona, Mr. MCCAIN, to strike energy tax provisions. There may be other germane amendments. Based on my understanding of the intention of the two leaders and the two managers, I believe that if the Senate invokes cloture, the Senate will work through these and other germane amendments postcloture. In fact, the majority leader has publicly indicated so.

Thus, I do believe we are near time when we have done enough. I support efforts to get a vote on the unemployment insurance amendment, and I support invoking cloture thereafter. So let us make this bill as good as possible but not better. Let us advance this bill to create and keep good manufacturing jobs, especially in America. Let us invoke cloture on this bill tomorrow.

I yield the floor and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

#### IRAQI PRISONER RESOLUTION

Mr. GRAHAM of South Carolina. Mr. President, I would like to take a few minutes to discuss the vote that is coming up this afternoon, the resolution about the Iraqi prisoner abuse scandal.

No. 1, I would like to compliment Majority Leader FRIST and Senator DASCHLE for bringing this matter up, and the committees and those who are