

can begin immediately and will put thousands of people to work. By the way, it would make our roads safer and would help with economic development. We are in conference. There have been a lot of discussions, but I don't know that we are going to be able to get it completed if we don't pick up the pace. If we don't, then I think that all involved should feel badly because the American people will not be well served if we don't do the highway bill and we put it off until after the election or even next year.

I urge the leadership on that conference committee in the House and Senate, Democrat and Republican, to pay attention to this highway bill and get it done. It would be a huge achievement for the American people if we pass that bill before we go out. I am not incriminating any individuals, but I am going to feel very critical of the Senate and the Congress if we don't get that highway bill done before we go home again.

I realize maybe it is futile now, but when are we going to get serious about energy? For 3 years we have been striving mightily to produce an energy bill. We get tangled up on one issue or another, such as over whether we should drill in Alaska. Now it is over an additive, MTBE. Meanwhile, we don't have a national energy policy. When the price of a barrel of oil went to \$48 and more, as it did, I began to ask why, and what are we going to do about it? I know that if we pass an energy bill in the morning, it would not immediately affect the price of a barrel of oil that much, but it would help our long-term energy security. I think this is an issue that is staring us in the eye and we are continuing to blink.

Sooner or later we are going to pay an economic or a national security price if we don't stop our dependence on foreign energy, and oil specifically. I am very unnerved to think we depend on over 50 percent of our oil coming from Saudi Arabia, Nigeria, Venezuela, and elsewhere. What if they cut us off for whatever reason? What would happen and how soon? I am tired of hearing excuses about why we didn't do it. I want to know how we are going to get it done. This bill came through committee, passed the Senate and the House, came out of conference and was passed by the House and came to the Senate, and with 57 votes we stalled out.

Here we sit with no clear path to getting an energy bill. A pox on all our houses if we don't do something about that. Some people say stop filling the Strategic Petroleum Reserve. I agree. We should not fill the SPR when the price of oil is as high as it is. That is a small part of what should be done. We need the whole package. And I want to say this: We need more exploration, more oil drilling, more natural gas wells, more coal, more hydroelectric power, and we need to perfect clean coal technology. We should have incentives for conservation and alternative

fuels, the whole package, but here again the Congress is failing in doing its job by not passing an energy bill. We should do it before we go home for the election.

Another bill I think is urgent that we pass is the so-called Jumpstart Our Business Strength, or JOBS, bill. It is a bill that is required because the World Trade Organization held that some of our tax policies were an unfair subsidization of our manufacturing. The World Trade Organization ruled that way. By the way, as a result of that, each month the tariff put on American goods by the European Union continues to go up 1 percent—it is now 11 percent, headed for 17 percent—because we supposedly had an export subsidy. That subsidy should be eliminated and that money should be moved over into the manufacturing area in a way that would help keep American industry in America and create jobs.

How can we not do this? Some people throw up their hands and say we cannot get it done in the next month; that the House and Senate bills are too big; that the Senate bill has too much in it, and they are too different; how will we ever merge them? I don't care. Throw them both out the door and come up with a different, smaller bill, one that gets the job done in conference, and do it now. The chairmen of the committees in the House and the Senate and the ranking members need to get this done. I don't see how in the world we can leave this session of Congress and not pass that JOBS bill and allow American products to be hit with an ever-increasing tariff of 1 percent increase every month, going up to 17 percent, and say we will see you later and we will get to it next year. I urge my colleagues, especially the leadership and chairmen of the committees and the ranking members, to find a way to get this bill done.

Lastly—and I will yield the floor—some people are whispering that ugly phrase “lame duck.” I have been here 32 years. I have been through lame ducks and they are all ugly—to come back after the election, when Congress is filled with people who have retired and have been defeated, and may have a different vested interest, perhaps.

Now I admit that on occasion, even though they were ugly, they were usually brief and we did something good. We did it during the Clinton administration. We did a very important trade bill and, I think, once in the late nineties, maybe we came back and did the omnibus appropriations bill and then left. But I am worried about the large amount of work being considered for a lame duck session this year and whether that would be in the best interest of the American people.

Whatever we cannot get done in terms of appropriations, let's either do it in an omnibus bill for the entire fiscal year or do it through a continuing resolution until February. But the idea that we are going to come back in December and work right up until Christ-

mas and fix what needs to be fixed in that period of time to me is a very dubious and, frankly, unwise suggestion.

How can it be stopped? I had somebody in the leadership ask me that: Oh my goodness, we have other things we have to do; how can we avoid a lame duck session? Real simple, Mr. President. The two leaders in the House and the two leaders in the Senate say we are not coming back for a lame duck session. It is not in the best interest of the American people. Tell the appropriators to do what they have to do, but we are not coming back for a lame duck session. If we do not do that and we come back here, I dread to see it.

I welcome my colleagues back. I hope everybody had a nice, restful August. I hope we get a lot done in September. I do not expect very much because there are a few distractions underway, but we are poised on the brink of being able to do some good things. If we could get a highway bill, an energy bill, the JOBS bill, we could all go out and take credit for it.

I remind my colleagues of the same thing I said many times over the years to leaders, to my good friend from South Dakota—when you produce a product, everybody wins. When you don't call up a bill or you don't finish a bill, the American people lose, and that is where we are poised to go. Which will it be?

I yield the floor, Mr. President.

#### ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while the distinguished Senator from Mississippi is on the Senate floor, I will propose a unanimous consent request.

I ask unanimous consent that following the completion of my remarks, Senator NELSON of Florida be recognized for 10 minutes, and following his statement that Senator DORGAN be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

Mr. REID. Mr. President, I acknowledge—and I failed to tell my two colleagues this—that Senator FRIST has announced that he is going to come to the Chamber and give a speech. He said he wanted to come around 12:30 p.m. He is due any time now; isn't that right?

Mr. LOTT. Can I inquire under my reservation?

Mr. REID. So I say, if he shows up, I think it would be appropriate to have the majority leader take the floor.

Mr. LOTT. So, Mr. President, the request is that next would be Senator NELSON, and then if Senator FRIST comes at that point he would be recognized?

Mr. REID. The request is—I am going to give a statement now—following my statement, if Senator FRIST is here, he would supersede these two Senators who are waiting.

Mr. LOTT. I withdraw my reservation.

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

#### SENATE AGENDA

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Mississippi, and all those within the sound of my voice, I appreciate his dissertation on what we should do in the approximately 15 days we have left in this legislative session. I appreciate his observations. The fact is, whether we want to acknowledge it, we have not done anything the whole year. If there is any cause for our having so little time to do so much, it is because we have not done anything up to now. We have not passed any appropriations bills—one.

To hear talk about an omnibus bill should cause the hair on everyone's neck to rise. The omnibus bill we had last year was a disaster, in my opinion. I hope we do not do that again. I would rather have a series of continuing resolutions than have this big, ugly piece of legislation that has so many ways of creating mischief.

I do appreciate my friend from Mississippi, who has a wealth of experience, having been majority and minority leader of the Senate, but he should acknowledge what he is talking about is pie in the sky. We cannot do that. We do not have time.

Mr. DORGAN. Mr. President, will the Senator from Nevada yield?

Mr. REID. I will be happy to yield. Mr. President, we have to do the best we can with the tools we have.

I will be happy to yield for a question from my friend.

Mr. DORGAN. Mr. President, I listened to my colleague from Mississippi. I agree we should pass a good energy bill and a jobs bill. I agree with all that. He suggested at the end to the Senator from South Dakota—I assume he was referring to the Democratic leader—that it would be good to get things done. I point out the Wall Street Journal article of today titled "Lawmakers Face Big Backlog." Let me read what this article says, and most of us know this to be the case:

The highway bill, for example, is hung up in a dispute between Republican Senators and the White House. . . .

That is not obstructionism by this side.

In the energy debate, oil-state Republicans, led by House Majority Leader Tom DeLay of Texas, want liability protections for companies that make the fuel additive MTBE; Northeastern Senators, such as Sen. Judd Gregg of New Hampshire, are opposed.

That is not obstructionism on this side. That is the Energy bill.

Quoting again:

The animosity between House Ways and Means Committee Chairman Bill Thomas and Senate Finance Committee Chairman Charles Grassley has slowed progress on tax legislation.

That is the JOBS bill about which my colleague was talking. There is the

highway bill, the Energy bill, the JOBS bill, and this article from the Wall Street Journal today, hardly a progressive organization, says the problem is not obstructionism by this side of the aisle; it is the other side of the aisle that is having an internal debate they cannot resolve, and that is what is slowing things down.

I say on my behalf and I expect I say on behalf of the assistant minority leader from Nevada and certainly from the standpoint of the Democratic leader, Senator DASCHLE, we would like nothing more than to get a good highway bill, to get a good energy bill passed through the Congress, to proceed and deal with the issue of jobs. We cannot resolve on this side of the aisle the internal debate that goes on between the White House and the majority party in the Republican caucus. That is exactly what is holding up these issues. My hope is they will resolve those debates. We can work together and find a way in a bipartisan manner to address all of these issues—energy, jobs, and the highway bill. I think we should do that.

I wanted to make that point quoting from an article that was in the Wall Street Journal today which I believe describes what is really at work here that has held up the progress and business of the Senate.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from North Dakota, he has pointed out in reading from the Wall Street Journal a few of the problems are around here. These very important issues cannot be resolved, in my opinion, in just a matter of a few days. For them to come out now and say we suddenly have our act together now, let's have no debate and rush these through because we have no time left in this legislative session, is not fair. It is not fair to the Senate but, more importantly, it is not fair to this country.

Mr. President, I hope all Senators had a good productive 6 weeks since we were last in session. I personally had a productive time in Nevada. I held many townhall meetings all over the State of Nevada, from Sparks to Pahrump in southern Nevada. They were productive meetings, but I was surprised the meetings all related to the same subjects.

People brought up the same issues no matter where we were in Nevada: Health care. People are tremendously concerned about health care. The people of Nevada realize we have 44 million people with no health insurance, millions more who are underinsured, and those who have health insurance see the costs escalating. Small businesses are finding it more difficult all the time to give health benefits to their employees. It is not because they are cheap. It is not because they are mean. It is simply that they cannot afford health insurance. They know they would have a more productive workforce if people had health insurance. This is a tremendous issue all over the State of Nevada and this country.

Senior citizens. I had a number of townhall meetings related specifically to senior citizens. To say they do not like the new Medicare bill is an understatement. It is a bill that is designed to bankrupt Medicare and is in the process of doing so. To top this off, they were told last week that there would be a 17-percent premium increase. They are very concerned.

Education. The Leave No Child Behind Act is leaving children behind. It is ruining public education not only in Nevada but all over the country. Nevada is a rapidly growing State. We created about 15 new schools this year. When school started a week ago, we had in Clark County alone 15 new schools, 3 new high schools. There are so many new teachers hired in the Clark County school district they cannot get them all together at one time. I talked with all the new teachers, but it took 2 separate groups of 1,000 each—2,000 new schoolteachers in Clark County alone.

These young men and women are anxious to begin a new career. There are some teachers who have transferred from other places or who have come from other places, but most all the teachers are first-year teachers, and they are excited about being able to educate these children, to form the minds of these little people who appear before them.

They are concerned because they know the reputation of the Leave No Child Behind Act has preceded them, and they know how difficult it is with this law, these unfunded mandates that are contained therein, to do a good job of teaching. Administrators acknowledge this.

I met with all 17 school administrators, school superintendents, in the State of Nevada. All 17 said the Leave No Child Behind Act is destroying public education. These 17 superintendents are from school districts as large as the one in Clark County of 300,000 students, to Esmeralda County, Goldfield, NV, 88 students in that school district.

I did not ask their party affiliation, but I am sure they are Democrats and Republicans. They all acknowledge that the Leave No Child Behind Act is simply not working.

My friend from Mississippi gave a short dissertation on all the things we need to do, but what one needs to do is look at the calendar and how we are going to accomplish this. It is a very short period of time. I think the majority leader will tell us we are going to end around October 8. This is a real short week, so there is 1 week, 2 weeks, 3 weeks, 4 weeks. That is 5 weeks. We have the Jewish holidays week after next which will make that a very short week. We have Columbus Day. We have so few days to do so much.

What I think we need to do is make sure we fund the Government. If it means a lame duck session, which none of us like, it means a lame duck session. The fact is, we have so little time to do so much. I hope we would be able