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Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROBERT MENENDEZ, a Senator from the State of New Jersey.

PRAYER

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

Let us pray.

Great God and Father, Your anger lasts only for a moment, but Your favor lasts a lifetime. Open our eyes to see the wonders of Your grace. Help us to see the majesty of Your inclusive love to people everywhere. Keep us from being blind to the work You are doing in our world, healing the sick and liberating the oppressed.

Lord, You have watched over our Nation from generation to generation, in prosperity and adversity, in peace and war. In every generation, You continue to provide leaders who are equal to our challenges and who strive to do Your will. Today, accept the gratitude of our Senators for Your generous blessings. Keep them so dedicated to You that they will do justly, love mercy, and walk humbly. May faith replace their fear, truth arise over falsehood, love prevail over hate, and peace abide with us all.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT MENENDEZ 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. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 1, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT MENENDEZ, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MENENDEZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will conduct morning business for 1 hour, and the time will be equally divided and controlled, with the Republicans controlling the first half and the majority controlling the second half.

Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 3963, the children's health insurance legislation. Cloture was invoked on that motion to proceed yesterday.

As I indicated, after the cloture vote, if we have to stay here to run the 30 hours postcloture, that time will expire at 12:50 a.m. tomorrow morning.

I have had several conversations with Senator McCONNELL with reference to this legislation and how we can move forward with concluding action in a manner that would not cause the Senate to remain in session over the weekend. But there is no guarantee we can do that.

In the interim, our debate will continue on the motion today. If and when an agreement is reached with respect to moving forward, Members will be alerted to the schedule.

There are some Senators working to come up with another compromise, and I hope they can do that. If they can, I will be the first to have that matter effectuated. At this stage, that hasn't been done. I had a number of meetings yesterday with interested Senators, but talking about it and getting there are two different things. We will work to see what we can do.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DOING THE WORK OF TODAY

Mr. McCONNELL. Mr. President, yesterday, the Acting Commissioner of the Internal Revenue Service sent a letter to Congress warning about the consequences of not addressing the AMT tax right away. She said that if we don't do something about this middle class tax hike by December, as many as 50 million Americans, more than a third of all U.S. taxpayers, will either get hit by a tax that was never meant for them or forced to wait months for a refund that many of them count on for their family budgets.

Mr. President, I ask unanimous consent that the letter from Acting Commissioner Linda Stiff be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, October 31, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter clarifying your plans to enact legislation addressing the alternative minimum tax

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



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(AMT) through an indexed exemption amount for 2007 and allowance of personal credits against the AMT. We appreciate your commitment to pass AMT legislation as quickly as possible.

In anticipation of this legislation, the Internal Revenue Service (IRS) has been taking every step possible to prepare for the upcoming filing season. Your letter provides additional information that will allow us to continue our planning and design based on your proposed solution. It should be noted, however, that key systems can only accommodate one programming option without introducing excessive risk to the filing season. We must ensure that our systems are prepared to process returns under the law as it exists now. Therefore, until the legislation is passed and signed into law, our systems cannot be fully programmed for the proposed AMT patch.

We are committed to a successful filing season, which means processing returns in a timely manner and issuing refunds to the millions of Americans who expect and are entitled to them. We are taking all steps and making every effort to be prepared to implement legislation once it is passed and will move swiftly upon enactment.

However, even with the planning and design that your letter facilitates, we still estimate a timeframe of approximately 10 weeks after enactment before we can process affected tax returns. Accordingly, as noted in Secretary Paulson's letter of October 23, 2007, we estimate that enactment of an AMT patch in December could delay processing of returns for as many as 50 million taxpayers and could delay issuance of approximately \$75 billion in refunds.

We look forward to continuing to work with you to deliver a successful filing season. If you have any questions or need additional information, please contact me at (202) 622-9511.

LINDA E. STIFF,
Acting Commissioner.

Mr. McCONNELL. Mr. President, when most people get a letter from the IRS, they get scared. But the Democrats didn't even blink. They don't seem all that concerned about forcing 50 million Americans to write an interest-free loan to the Government in the form of unpaid tax returns worth about \$75 billion—75 billion dollars. That is more than the gross domestic product of a hundred different countries—just sitting in the Treasury instead of the bank accounts and pockets of Americans who earned it.

Now, if this were the only thing Senate Democrats were procrastinating over, Americans would have reason enough to be angry. But it is not. It is just the latest in a string of core duties they promised they would address before election day but put back on the shelf after all the votes were counted.

Instead of fulfilling their campaign promises, they launched into a series of legislative misadventures that have put us 5 weeks into the new fiscal year with the same number of appropriations bills we started with, which is zero, a Justice Department with more empty offices than the Dirksen building in August, and no indication from anyone on the other side that any of this will change.

Regarding appropriations, the President has already said he will veto spending bills that exceed the budget

request. Yet Democrats will now knowingly pass a Labor/HHS bill that exceeds the President's budget by billions of dollars and attach it to the MilCon/Veterans appropriations bill. We already know the result. These bills are coming right back to the Senate for a do-over. This is a waste of time, and just more of the same from a party that has been intent all year on using this Chamber as a stage for political theater rather than a workshop to actually get things accomplished.

Over at the Justice Department, Democrats have been clamoring for new leadership all year. The senior Senator from New York was the loudest of them all. More than 5 months ago, he told us "the Nation needs a new Attorney General, and it can't afford to wait." The President responded in good faith by nominating the very man the senior Senator from New York recommended for the job.

Yet America has now waited longer for a vote on Michael Mukasey than on any other Attorney General nominee in decades. They have waited more than 40 days now. Compare that to Janet Reno, whose confirmation came less than 2 weeks after she was named.

Democrats have found plenty of time for votes that didn't matter. Now it is time to turn to votes that do. They found time for midnight votes on political Iraq resolutions. Now Americans are wondering when we will have a midnight vote to fix an error in the Tax Code that promises to leave more than one-third of them high and dry come April.

They found time for a vote on how we felt about the last Attorney General. Now people want to know when we will have the midnight vote on restoring leadership at the Justice Department.

They had the time to vote again and again to cut off funds to our troops in the field—voted on the Feingold amendment to cut off funds three times. Now Americans want to know when they will have a midnight vote to send the rest of the money to the troops—or on any one of the 12 appropriations bills in a form that we can expect the President to sign.

This fixation on political gamesmanship has come at a serious cost. What we are seeing here goes far beyond mismanagement. And the American people have caught on. For the sake of the taxpayers, for the sake of the justice system, for the sake of the men and women who wear the uniform, it is time to put politics aside and do the work of today.

No more gimmicks, no more games. Time is short. The stakes are high. Let's get on with it.

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

SENATE ACCOMPLISHMENTS

Mr. REID. Mr. President, we have a lot to do, there is no question about that. But I said to one of my friends on

the Republican side several days ago, when he was lamenting the fact that the President's standing was low and ours in Congress was low, I said to him: What do you hope to accomplish by denigrating the place you work in? You work here. What good is it to do that? He said: That is right, I will not do it anymore.

I say to my friend from Kentucky, it is easy to find fault with what anyone does anyplace in life, including the Senate of the United States. But we have worked very hard these last 10 months to try to work on a bipartisan basis, to accomplish things for the country. We have done a pretty good job.

We passed the minimum wage for the first time in 10 years. We passed a budget—a pay-as-you-go budget. No more red ink; we are paying for everything. That is different than the last 7 years under a Republican-controlled Congress. We passed a law mandating how U.S. attorneys should be appointed, as a result of the scandal in the Attorney General's Office. We mandated, through legislation, equipment for the Guard and Reserve that they simply didn't have. We are the ones who pushed the President to focus on having better equipment for our troops, including MRAPS, these vehicles that were more mine resistant. We passed that and it is in the form of a law. Because of the scandal at Walter Reed and other places, we have worked to protect veterans; hurricane recovery, Katrina. Our President made 22 trips down there, but there was no money until we forced money into the supplemental appropriations bill; SCHIP, we passed a law extending health care that 5.5 million children have to 10 million children. The President vetoed that.

That is the matter before the Senate today. We are going to send that back to him, and I hope he will not veto it. We have made changes because Members on the other side wanted those changes made. Disaster relief for ranchers and farmers, we passed that. It is 4 years overdue. Wildfire relief, we have had these fires sweeping the West. We put \$600 million in the supplemental so we can make up for some of the problems we had.

As far as Iraq, we have had over 100 hearings on Iraq. That is 100 more than were held during the first 5 years of this war. The hearings have been good. It is true we have tried very hard to change course in the war in Iraq, and we have changed course, indirectly, as a result of the votes we have taken. It did not change it enough, but we have changed course in the war in Iraq.

There will be other opportunities for us to do that in the near future. We have to do that. The President doesn't mind asking for another \$200 billion of totally red ink—that is, borrowed money—for the war. But he is not willing to spend a few nonred dollars for children's health, paid for. Maybe the President is trying to protect the tobacco industry. I think they have had