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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, December 4, 2007, at 2 p.m.

## Senate

MONDAY, DECEMBER 3, 2007

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

### PRAYER

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

Let us pray.

Almighty God, heavenly Father, open our hearts to Your movement in our midst. As we trust Your providence and cling to Your promises, give us wisdom and spiritual eyes to see You at work.

Keep our lawmakers from being intimidated by the challenges they face, as you protect them by ordering their steps. Clothe them with the armor of integrity, shield them with Your truth, and guide them with Your power. Help our Senators to please You by living blameless, holy, and peaceful lives. Lord, give them a hunger for Your words and a desire to apply Your knowledge in their daily walk. We pray in Your precious Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB 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 read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 3, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### MEASURES PLACED ON THE CALENDAR—H.R. 3703 AND H.R. 3997

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3703) to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the \$1 coin dispensing capability requirement for certain vending machines.

A bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

### SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business with Senators having 10 minutes each to speak. Shortly I will propose an agreement with respect to the Peru Trade Promotion Agreement. That agreement will provide for a period of debate today with a concluding vote tomorrow at the completion of our weekly caucuses. There will be no rollcall votes today.

### SENATE RECORD

Mr. REID. President Bush spoke from the Rose Garden this morning. It is hard to comprehend his words, the President of the United States going to the Rose Garden today, saying he wanted us to use the time left in this congressional year to "support our troops, and to protect our citizens, prevent harmful tax increases. . . ." He also indicated, in that same brief statement, that we as a Congress had little to show for our having been in a year.

We passed a budget, the first one in 3 years. It was a balanced budget we passed. We implemented—even though they were years and years overdue—the 9/11 Commission recommendations. We passed Homeland Security funding. We passed a pay raise for our troops—we

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



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have consistently equipped our troops with programs and materials that the President did not ask for but we believe the troops needed, and time has proven they were needed. We provided health care for wounded soldiers and veterans. We set benchmarks for Iraq. We focused on the neglected National Guard, and I am glad we did that. We passed ethics and lobbying reform. We passed a CR that has funded the Government and will to the end of this year. We shortly will be doing an energy bill. We passed one here, but we hope to have one that will be a bipartisan bill that we will pass here by the end of the year. We completed a minimum wage bill that was 10 years past due. We passed the American Competitiveness Act. We passed a higher education bill, the most significant piece of legislation since the GI bill of rights, dealing with higher education. We also passed the Elementary and Secondary Education Funding Act, which was long past due. We funded Head Start, stem cell research—the President vetoed that but we passed it; very important legislation. We passed SCHIP, the children's health insurance program. The President vetoed that. We passed FDA reauthorization, Coast Guard revitalization, the Corps of Engineers reform, which was long overdue, disaster assistance for small businesses. We have certainly done good work regarding disaster assistance for farmers, which was also long overdue—3 years past due. With the scandal that occurred in the Attorney General's Office, we were able to focus on the U.S. attorneys and change the law in that regard.

These are just a few of the things we have done, but we feel good that we have done them. The President should not demean what we have done here. These are pieces of legislation, some of which he signed. We want to work with the President and we have tried to work with the President, but the end of this administration, the Bush administration, is fast approaching. Frankly, if he wants to talk about accomplishments, for 1 year of the Democratic-led Congress compared to his 7 years of the Republican-led Presidency, the comparison is quite stark. He has, to show for what he has done, an endless war that we have been involved in, which soon will be in its sixth year, an ever shrinking middle class, and a budget gone from record surpluses to record deficits.

President Bush calls on Congress to "support our troops," and we have done that. But it is the President who has stretched our military nearly to its breaking point. Editorials in today's newspapers certainly indicate how we are failing in supplying our military with materials they need, the equipment they need to maintain their readiness. It is this President who has kept our troops abroad for two, three, and four tours of duty. Some have served five tours of duty. A war, I repeat, soon to be in its sixth year, a war that Gen-

eral Petraeus has said cannot be won militarily, and we are getting no help from the Iraqis to get their house in order politically.

It is the President who has sent our troops into battle without proper protection and neglected our veterans' care when they returned home. I repeat, it was this Democratic Congress that provided funds for body armor, voted for a troop pay increase, provided funds to fix the neglect at Walter Reed and other military health facilities so our troops can get the care they need when they return from combat.

President Bush calls on Congress to "protect our citizens," but it is President Bush who has failed to capture bin Laden, who taunts us with new videos and new threats often. It is this President who allowed al-Qaida to regroup and become stronger than ever. It is this President who has consistently underfunded the homeland security priorities that keep us safer in our cities and towns. And it was this Congress that finally implemented the recommendations of the 9/11 Commission, so long ignored by the President and his Republican enablers, which helped secure our most at-risk cities, gives our first responders the communications tools they need in an emergency, and improves oversight of our intelligence and homeland security systems.

President Bush calls on Congress to "prevent harmful tax increases and responsibly to fund our Government," but it is President Bush's reckless fiscal irresponsibility which is growing the national debt at an astounding rate of \$1 million per minute, for a total increase of more than \$3 trillion on his watch.

President Clinton was actually paying down the debt by a half trillion dollars. In the last 3 years he was in office, we were spending less money than we were taking in. But it is this President who has increased our debt to foreign governments by more than all former Presidents combined. In the 230 years we have been a country, all the Presidents combined did not increase the debt like this President has done. He has increased our debt to foreign governments by more than all former Presidents combined, but it is this President who has stuck this bill for his failed policies squarely on the shoulders of our children and grandchildren. Every person in this country—a baby of 1 day, a person of 100 years old—owes \$30,000 to make up this almost \$10 trillion debt that is fast approaching.

It is this Democratic Congress that has put working families first, with the first increase in minimum wage in a decade to give hard-working but least paid Americans a little more to help ends meet. Remember, the minimum wage affects a lot of people. It is not kids flipping hamburgers at McDonald's. For 60 percent of the people who draw minimum wage, that is the only money they get for their families. The

vast majority of people on minimum wage are women who work.

It is this Democratic Congress which provided health insurance to millions of more low-income children with the Children's Health Insurance Program. The President vetoed this. President Bush's veto will cut 5.5 million children off the ability to go to the doctor when they are sick—5.5 million. We wound up with 10. Even if we extend the present bill, we will lose 5.5 million children and wind up with 4.5 instead of 10.

It is this Democratic Congress that made investments in Head Start and student financial aid so that all children, regardless of the wealth of their parents, can get started on the right track and have an opportunity to go to college.

Unlike Bush, we paid for our priorities in a responsible way. We have a pay-go system. If we increase a program, change a program in a way that costs money, we pay for it.

This President and his allies in Congress have led the American people down a very dark path. This Democratic Congress, in its first year, has made America stronger, safer, and more prosperous. But with President Bush and the Republicans fighting us, a record number of filibusters—57—with empty rhetoric, obstruction and vetoes, we still have a lot of work to do—and that is an understatement. In this final work period of the year, our plate is full. We have to return our focus to finally ending the war in Iraq that has cost our troops and country so dearly.

Here I wish to cite a statement from a Republican running for President. Here is what he said: Everything is much worse if we stay in Iraq. Right now they are very content to bleed us in Iraq, bleed us financially and by killing Americans. We lose lives. If we spend money we don't have, it furthers our financial crisis. The longer we are there, the stronger al-Qaida gets. Our being there is the greatest incentive conceivable to help Osama bin Laden. The evidence is very clear that there is more al-Qaida than before, which means we are in greater danger of being hit by terrorists than before. Besides, who are all these people telling us there will be a problem if we leave? The same ones who said it would be a cakewalk. What kind of credibility do they have?

I repeat, this is a Republican, not a Democrat.

We want to take up the House-passed bill that provides \$50 billion in emergency funds to our troops and requires the President to transition the mission from combat operations to security, training, and antiterrorism.

Over the Thanksgiving holiday, we began to hear the rumblings of what is sure to be an outrageous line of attack from the Bush White House. The week we left here, Secretary Gates told us that the Army had enough money—with the \$460 billion bill we just

passed—had enough money to fund them until the 1st of March; the Marines until the middle of March. That is what Secretary Gates told us. But the spin machine of the White House is trying to overrule what the Secretary of Defense told us, saying we are going to have to lay people off, there is not enough money for mine detection equipment and things of that nature.

That is totally contrary to what the Secretary of Defense said. This Secretary of Defense has credibility compared to his predecessor.

Secretary Gates has credibility. That is what he told us: The Army is OK until the first of March; the Marines are OK until the middle of March.

But over Thanksgiving, we get rumblings from the spin machine at the White House. The President is saying: We are not sending money to the troops. This is not true. It is cynical politics at its worst. The American people are too smart to fall for this. Facts are clear. We just passed nearly a half-trillion-dollar Defense appropriations bill. The Department of Defense is fully funded.

Before the holiday we offered another \$50 billion funding package on top of the \$460 billion to support our troops in combat, provided he heed the call of the American people and change course. The President and his supporters in Congress, which are all Republicans with rare exception, rejected that package.

The President said no to funding his own war unless he is given a blank check to continue his failed policies. Nevadans and the American people know the current course has not brought the political reconciliation the President promised.

They realize it makes no sense for President Bush to blame Democrats because he rejected the funding package that we offered. This week we will try again to give the President the opportunity to accept troop funding. We will try to return to the House-passed bill. We will give our Republican colleagues another opportunity to stand on the side of our troops in battle by passing legislation that contains additional funding and provides a strategy to bring the war to a responsible end.

Iraq is just one of the many funding priorities we must pass in the weeks ahead. We have to deal with the appropriations bills, in large part because the President has been stubborn and unreasonable. Rather than work with us to resolve the differences that amount to less than 1 percent of our budget, the President threatened to veto every appropriations bill before it was even written.

We have offered to compromise with President Bush to split the difference. No. So far it does not appear the President is ready to do the right thing for the American people by accepting compromise.

But I hope Senate Republicans will act more responsibly. We have to do something about the AMT. According

to the Joint Committee on Taxation, 19 million American families and 150,000 Nevadans will be forced to pay the AMT next spring if we do not take action before the year is out.

Before Thanksgiving, the House passed AMT relief. After their vote, I offered a consent agreement to hold three votes: one on the House AMT relief bill, one on Senator LOTT's amendment to repeal the AMT, and one on an amendment by Senator BAUCUS to fund it. Unfortunately, our Republican colleagues blocked these three votes. Despite the President's warning to them that we must move quickly on AMT, they chose to follow obstructionism. I cannot emphasize enough how important it is to move forward on this legislation. I hope the Republicans will end their obstruction on this vital tax relief so we can move to a vote. If they do not, I will have no choice but to file cloture so we can move to vote on the House bill. That is exactly what I will do.

In the coming days, we will have to turn to FISA, the Foreign Intelligence Surveillance Act. Earlier this year, the President signed a flawed temporary law on this subject that will expire in early February. Both the Intelligence and Judiciary Committees have reported a bill that improves current law. The House has passed its own version. The full Senate must debate this matter in December to allow sufficient time for negotiations with the House before the February deadline.

We need to give our intelligence professionals all the necessary tools, while at the same time protecting the privacy of law-abiding Americans and following our Constitution. Vigorous intelligence gathering should be accompanied by meaningful judicial review and strong congressional oversight. FISA struck a balance well for 30 years, and now we can make it even more effective. Both of these Senate committees have worked together in a bipartisan manner. Chairman ROCKEFELLER and Ranking Member BOND, along with Chairman LEAHY and Ranking Member SPECTER, are sorting through differences in the work of their two committees. I hope under the leadership of those four Senators we will pass a bill that strikes the right balance and makes our country safer.

Later this work period, we will move to finish work on the Energy bill. In June, this Senate overwhelmingly passed a landmark Energy bill to improve fuel efficiency and invest in renewable fuel technology. This bill would save Americans lots and lots of money at the gas pump and on their heating bills.

Unfortunately, Republicans would not allow us to go to conference on this bill. We continue to work toward a bipartisan resolution so we can send a strong Energy bill to the President's desk before the year is up.

We will also attempt to turn again to the farm bill. Prior to the holiday, we were unable to complete action on the

farm bill because of the overwhelming number of amendments filed, many of which had nothing to do with farming. Senator MCCONNELL and I are working through these amendments to come up with a reasonable list.

While we have been on the Thanksgiving Day break, staff has been working, and I think we are at a point where we should be able to do a farm bill by unanimous consent.

I have outlined seven major legislative initiatives that we must address before the 2007 legislative calendar draws to a close. We need to do this for the American people. It is reasonable and necessary. We began this year with great success. We have restored integrity to Congress. We put working families first. We put teeth behind homeland security and veterans care. But a funny and unfortunate thing happened next. The President and his Republican supporters in the Senate determined that while bipartisanship made good policy, obstruction made better politics.

For the past many months, we have seen an unprecedented level of obstructionism. That is not rhetoric, it is fact. We have sought more than 40 votes to change the course in Iraq. More often than not, a bipartisan majority of the House and Senate supported these votes. Nevertheless, again and again, the Republican leadership blocked these votes from taking place.

Most recently, Republicans blocked the Transportation/HUD appropriations bill, which invests in our crumbling roads, bridges, dams, tunnels, and our infrastructure. They blocked progress on the Energy bill which would reduce the ever-increasing costs the American people pay to heat their homes and fill their gas tanks.

They blocked the farm bill, which would stabilize the Nation's food supply and improve the nutrition of our children. They blocked the FHA Modernization Act, which would have helped families heat their homes in the face of the ongoing mortgage crisis.

In all, Republicans have now blocked the priorities of Americans by forcing 56 cloture votes, fast approaching the all-time record of 61, that took a full 2-year session. That was too many. But 56, not even halfway through, is significantly headed in the wrong direction. They have already neared an all-time, 2-year obstruction record in less than a year. That would be like a ball player hitting 73 home runs by the All-Star break. That is not good. This is not normal obstruction. This is obstruction on steroids.

It is not too late for the Republicans to change course and work with us. I find it hard to believe that Republicans truly oppose the AMT fix, FHA reform, infrastructure investments, and childhood nutrition. I hope my friends on the other side of the aisle believe they stand to gain politically by getting the most done for our country, not the least done for our country.

But I hope in what little time we have left this year, with so much left

to accomplish, the march toward the obstructionism record can be cast aside. And when we recess for the year in a few weeks, I hope we can add meaningfully to the bipartisan change that we have begun to deliver this year. This can only happen if the Republicans decide to work with us for the American people.

Mr. President, I yield the floor and note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNFINISHED BUSINESS

Mr. McCONNELL. Mr. President, we are now in the final days of this session, and congressional Democrats have left an enormous amount of work undone. As we move into the final stretch, let's take stock of the unfinished business. On spending, we are 2 full months into fiscal 2008, and our friends across the aisle are still staring at 11 unfinished spending bills out of the 12 they were supposed to do. We need to work together to get those overdue spending bills signed into law.

On troop funding, thousands of American families will have sons and daughters fighting overseas this Christmas, and under the Constitution that falls on us to provide for them. We may disagree about the mission, but no one should disagree about getting those courageous men and women everything they need while they are fighting in the field. Congressional Democrats need to get serious about the troops and get them the funds they need without any more games and without any further delay.

We have heard some remarkable reports from Iraq in recent weeks. Sunni tribes and other militants who turned against al-Qaida are now working with coalition forces to secure Iraqi neighborhoods and towns. Refugees are returning to Iraq in droves. Shops are reopening, curfews are being relaxed. Al-Qaida in Iraq, we are told, has been pushed to the brink.

Americans like what they have heard, and even some congressional Democrats have acknowledged the positive reports. Congressman MURTHA, a hero of the antiwar left, says the new strategy is a success. Congressman DICKS talked about a new feeling of normalcy in Iraq. Thanks to the increase in U.S. forces and a smart new strategy, we have seen a stunning reversal.

Unfortunately, talk of congratulations is scarce among the antiwar left. Rather than stop for a minute to acknowledge what we are hearing from the field, our friends on the other side now seem to be looking around for

something that is not going well so they can blame that on Republicans.

According to press reports, they have settled on gas prices. And we do need to do something to lower energy costs. But the bill our Democratic friends are reportedly about to bring to the floor will not do that. In fact, the bill they are discussing would actually increase gas prices at the pump and electricity bills in States that do not have an abundance of windmills. An energy bill that raises the cost of energy is not what we need today.

Frankly, I am baffled by the congressional Democrats' position on the whole troop funding debate. Earlier in the year, they said sending more troops to Iraq would lead to failure. Then they approved the funds anyway. Now they say things are going well, and they want to cut off the funds that are needed to finish the job. So they funded the war when they thought it would fail, and now they want to defund it when they think it is succeeding.

Does this make any sense at all? Reasonable people could be able to agree that now is not the time to talk about walking away from our troops in Iraq. Yet this is exactly what Democrats are planning to do.

The senior Senator from Massachusetts has said he thinks the Democrats have an obligation, an obligation to cut off funds for the war. And now they are apparently following through with it. Just in time for the holidays, they are forcing the Pentagon to prepare pink slips for more than 250,000 employees as a way of getting around the threat.

I would urge the majority to rethink its position, to keep its word, and to send our troops the funds they need to finish their mission and return home in success. We have a solemn obligation to assure America's military families that their sons and daughters will get whatever they need. Let's not break that trust at this moment of optimism and hope and good news from the field at a time when even Congressman MURTHA says the surge is working.

Congressional Democrats need to get serious about security at home too. It is no accident that we have not been hit here since 9/11. We passed the PATRIOT Act, set up the Department of Homeland Security, and made sure intelligence agents would have the tools they need to do their jobs.

One of those tools is the Protect America Act that we passed in August and expires on February 1. This essential terror-fighting tool recognizes that we need to be able to monitor terrorists overseas. And however the Senate deals with its expiration, we must protect its core strengths. But Democrats on the Judiciary Committee seem to disagree. They just voted for a revised version of this law that weakens it in dangerous ways. The experts tell us that under this new version, the Judiciary Committee version, U.S. commanders could be blocked from gathering critical intelligence on foreign targets.

Imagine: An American commander prepares to attack a city such as Fallujah. He gives orders for a blanket surveillance of the city to pinpoint terrorist activity. Then the lawyers step in and say: Sir, you cannot do that. You need to go to the FISA Court first.

Well, this is one vision of how to fight the war on terror. Republicans have a different view. We think we need to stop foreign terrorists who want to kill innocent Americans, not be paralyzed into inaction over their search and seizure rights.

Republicans are ready to support the bipartisan, commonsense Senate Intelligence Committee bill. In addition to allowing our commanders greater freedoms in the field, this version recognizes that telecom companies should not be sued for doing their patriotic duty in helping intelligence officials to protect American lives.

It also recognizes if these companies are exposed to lawsuits, taxpayers should not have to foot the bill, which is exactly what Democrats on the Judiciary Committee are proposing. They want to make sure the trial lawyers are happy one way or another. We need to protect the telecom companies that did their duty and the taxpayers, not the trial lawyers, who want to bring these lawsuits.

Congressional Democrats have neglected their duty on the 12 spending bills. They are threatening to neglect their duty to the troops in the field and to our security at home. Now they are about to slap millions of Americans with a middle-class tax hike better known as the AMT.

Well, the American people have a right to know how Democrats found the time for 63 Iraq votes over the course of the past year, some of them at midnight, but somehow couldn't find an afternoon to fix a mistake in the Tax Code that is about to hit 50 million households. It is not as if they didn't see it coming. They have known about the problem all year. Treasury Secretary Paulson reminded us of its urgency in October. He sent us a letter, dated October 23, reminding us that the problem was before us. He warned that if Congress didn't act by early last month, about 25 million households would get mistakenly whacked with a major tax hike. He said if we didn't act by the middle of this month, 50 million would face delays in getting their refunds. Even if we acted today, millions of tax returns will still be delayed. We have already inconvenienced millions of American taxpayers by inaction.

The IRS oversight chairman reminded us about the problem again last month, saying the longer we wait, the longer the refund delays would be. Here is a letter from the IRS, dated November 26. This is a tax none of these people were ever intended to pay. Originally targeted at fewer than 200 families, it was never indexed for inflation. It is a mistake that has never been permanently fixed, and Republicans are not about to let Democrats impose a