

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

new tax on a lot of other taxpayers to pay for its correction. Americans don't need to be giving Government an interest-free loan in April by letting the IRS hold on to their refunds. They need to get their refunds when they expect them. We need to fix the AMT without new taxes, and we need to do it now. The number of families affected is staggering: Democratic foot dragging on the AMT threatens 1.6 million taxpayers in New Jersey, more than 3 million in New York, and nearly 4.5 million in California. That is more people in California alone than we have in my State. We need to block this giant middle-class tax hike now before voters get stuck with it in April.

Senate Democrats need to act on executive nominations, including nominees to head the Department of Veterans Affairs and the Department of Agriculture. The Judiciary Committee needs to do a much better job processing circuit court nominations. Christmas will be here before we know it, and we have only had one hearing—one on one circuit court nomination since the summer recess. We have only had five hearings for five circuit court nominees the entire year of 2007. During a comparable period in President Clinton's last Congress, the Republican-controlled Senate held hearings on 10 of President Clinton's circuit court nominees, including five after the August recess.

We have had qualified circuit court nominees up here for months who satisfy the supposed criteria of the Democratic majority. There is no good reason for the Judiciary Committee to bring progress on circuit court nominations to a standstill. It is time our colleagues on the other side acted on nominations and on the other legislative duties I have listed.

They have spent nearly a year now focusing on politics rather than essentials. Now they are trying to distract the public by shifting the focus at the finish line. We need to pass the bills that keep the Government functioning. We need to stop taxes from being raised on the middle class. We need to strengthen the laws that help us catch terrorists before they strike, and we need to fund the troops in the field.

It is now December, the last month of the year. Senate Democrats have more to do in these last few weeks than they have already done all year. It is time to stop the political show. It is time to focus for once on the fundamentals.

Mr. LEAHY. Mr. President, as the Senate begins its final work period of the year, I wish to thank those members of the Judiciary Committee who have been cooperative and who have worked so hard throughout this year. Much has been accomplished. But much can still be done. We reported and the Senate passed an important privacy measure, the Identity Theft Enforcement and Restitution Act, S. 2168, just before the Thanksgiving recess. I urge the House to adopt it with-

out delay. In addition, the Senate again passed our copyright bill to protect vessel hull designs, S. 1640, which I hope will also be adopted by the House.

Months ago we reported and passed an important court security bill, S. 378, and Freedom of Information Act reform legislation, S. 849. I believe that we have resolved differences raised by the House and should be able in the short time remaining to us this year to have the Senate reconsider these measures in slightly modified form, pass them by unanimous consent, and have the House endorse them, as well.

I would like to see us consider and pass important matters the House has passed and sent to us. The Free Flow of Information Act, H.R. 2102, is on the Senate calendar. It would provide protection to first amendment values by establishing a Federal privilege and procedure for considering claims of press protection. For the first time, this year the Judiciary Committee reported a similar bill, S. 2035, and we did so on a bipartisan basis. We should proceed to enact this legislation into law.

Another important matter sent to us from the House that I would hope we could enact before adjourning this year is one on which we have worked for some time, the Employment Non-Discrimination Act, H.R. 3685. We also have before us a House-passed version of the Second Chance Act, H.R. 1593. While it does not include every provision I would have liked to incorporate, we should nonetheless proceed to enact this legislation.

I urge the Republican Senator who has a hold on the bill to extend temporary judgeships around the country, S. 1327, to remove this hold so that we can provide the relief needed in our Federal judiciary in Kansas, Ohio, Nebraska, California, and Hawaii. Enacting court security legislation will likewise require the relinquishing of a Republican hold. Another matter stalled since this summer by a Republican hold has been the Emmett Till Unsolved Civil Rights Crime Act, S. 535. I have made statements to the Senate about these consensus measures before. I hope that with the year rapidly ending, the Republican Senator holding up these worthwhile matters will reconsider the opposition and allow bills supported by an overwhelming, bipartisan majority of the Senate to pass.

A number of other measures reported by the Judiciary Committee have been delayed by Republican holds too. If it is not possible to move these measures this month, I urge the Senate to take up and pass these bills when it begins its second session in January. One such bill is the War Profiteering Prevention Act, S. 119, which was reported by the committee in April. It would provide a significant new tool for Federal law enforcement to combat the scourge of war profiteering, and it is needed now more than ever, given the ongoing reports of rampant fraud, waste, and abuse in Iraq. Another is the School

Safety and Law Enforcement Improvements Act, S. 2084, which we developed in response to the tragedy at Virginia Tech.

When we return next year, we will have the opportunity to consider and enact patent reform legislation, the Leahy-Hatch Patent Reform Act of 2007, S. 1145. I hope that we will also make time to consider our comprehensive bipartisan data privacy bill, the Leahy-Specter Data Privacy and Security Act, S. 495, which we reported in May.

Next spring I hope we can turn to the Deceptive Practices and Voter Intimidation Prevention Act, S. 453, which the committee reported this fall, and our bipartisan Leahy-Cornyn Public Corruption Prosecution Improvements Act, S. 1946, that adds teeth to our ethics reforms.

These are just some of the matters on which the Judiciary Committee has been hard at work this year. We could not have accomplished what we have without the contributions of our members. I want, in particular, to commend our newest members, Senators CARDIN and WHITEHOUSE, for their exceptional work. They have initiated legislative efforts, chaired important hearings, and been full partners in the work of the committee.

I would also like to thank and commend Senator DURBIN for chairing our newest subcommittee, the Subcommittee on Human Rights and the Law, and for making it one of the most active and productive subcommittees we have. Senator DURBIN has originated genocide accountability and child soldier accountability legislation, trafficking in persons legislation, and war crimes legislation, all in rapid succession. He has made the Human Rights Subcommittee into what we hoped it would be, a vehicle to focus our attention on fundamental aspects of what makes us all Americans. We all owe him a debt of gratitude.

Of course, we would not be nearly as far along in our work without the help of our Republican members, led by Senator SPECTER. We have proceeded with significant bipartisan legislation on privacy, press shield, patents, FOIA, public corruption, and crime. Currently we are working together to improve the FISA legislation about to be considered by the Senate by exploring whether we can adopt an amendment that will increase accountability through the procedural device of substitution, rather than a blanket grant of retroactive immunity for the warrantless wiretapping of Americans that took place from 2001 through 2007. Senator SPECTER and I joined to seek to restore the great writ of habeas corpus but, despite support by a majority of the Senate, we were stymied by a Republican filibuster. Likewise, we have joined to achieve majority support for voting rights for the District of Columbia only to be blocked this year by another Republican filibuster.

I hope that as we enter these last few weeks of the year, we are allowed to

make progress on the matters I have outlined here today and that the obstruction that has stalled our further progress will not be continued. Let us move forward together in the best interest of the American people. Any Senator can prevent action on an item in these waning days of the session. There is no secret or magic about that. The question for Senators this month is whether they are willing to put aside minor differences and partisan agendas to join with us in making progress and moving forward.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Massachusetts is recognized.

#### ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I ask unanimous consent that following my statement, the Senator from Colorado be recognized.

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

#### IRAQ

Mr. KENNEDY. Mr. President, I listened with interest to my friend from Kentucky comment about my statement on Iraq and the importance of disengagement with the withdrawal of American troops. I don't intend to restate my positions on the war this afternoon. I came to the floor to address another issue. But I will point out that one of the best votes I have cast in the Senate was in opposition to the resolution, supported by the Senator from Kentucky, that took us into Iraq, where American forces have been fighting for a longer time than all of World War II and where we see the continued loss of American lives—some 37 American lives lost last month—and billions in taxpayer dollars flooding into the sands of Iraq. Still, there is not the reconciliation by the Iraqi political leadership to develop some kind of Government that could be the basis for independence in the future. As our brave men and women are fighting gallantly and with great valor there, they are entitled to a policy that is worthy of their valor. Today they are effectively being held hostage by Iraqi politicians who refuse to negotiate among themselves and form a government. That might be satisfactory to the Senator from Kentucky but not to the

Senator from Massachusetts. Evidently, the Senator from Kentucky wants to give a blank check to the Iraqi politicians: Continue your squabbles over there, while we continue to see the loss of American lives and blood.

Not the Senator from Massachusetts. They have had their time. What is going to convince the Iraqi politicians we are serious? What will send the message is when we demonstrate that we are starting to withdraw American troops. Then they are going to make political judgments for their survival.

But not today. If the Senator from Kentucky wants to continue an open-ended commitment with American lives and American treasure, that is his position. It is not mine. I don't think that is where the American people are.

How long is it going to take for the Iraqi politicians to get together? They are not doing it now. They didn't do it yesterday. They don't appear to be willing to do it tomorrow, even though we have had assurances from the administration that success was around the corner.

This is a matter of enormous importance and consequence. We will continue the debate. That is why I am a strong supporter of what our leader pointed out earlier today, talking about a proposal that has been put forward in terms of what is called bridge funding.

#### THE ECONOMY

Mr. KENNEDY. Mr. President, I rise to take a few moments to talk about the state of our economy. I do so because during the break, I had the opportunity to talk with a lot of people in my own State of Massachusetts. Our State is not greatly different from many other States, certainly in the northeastern and central part of the Nation, older industrial States. The conclusion of working families and the middle class is pretty consistent across the country, that the state of our economy has given working families a good deal of fear.

Let me review quickly what our current situation is. The vast majority of Americans are anxious about the economy. This is from the latest poll in November of 2007: 78 percent say the economy is getting worse, the most negative outlook in the past 16 years. We have to ask ourselves: Is this a Democratic, Independent or Republican view? Let's look across the spectrum: 89 percent of Democrats feel that way, and these are representatives of working families; Independents are 78 percent. Even among Republicans, 65 percent believe the economy is getting worse.

This sense of anxiety about a growing economy has been there for some time. Look where it was in January of 2001. Fifty-six percent of Americans were concerned about the economy. Now look at November of 2007. It has gone from 56 percent to 78 percent who are concerned about the economy.

Let's look at how working families view the future for the next generation, their children. Working families feel insecure about their children's economic future. This is a current assessment of how working families view what is going to happen to their children: 23 percent believe their children will be better off than they are today; 30 percent believe their children will have the same future as they have; and 42 percent believe their children will be worse off than today. This is a defining aspect of what our country is about. It is about the American dream. It is about hope and opportunity, not only for themselves but for their children and their children's children. When you lose that hope, you begin to lose working families' views about the American dream.

This chart shows an explanation of why this has happened. We are growing further apart in terms of wages and productivity for middle-income families. From 1947 to 1962, as we came out of World War II, as productivity increased, wages increased, and the economy went along together, all of the different quintiles of the American economy went along together. We all grew together. There was a sense of optimism and hope because we had a shared economy, a shared future. But look at what has happened in terms of real wages and productivity. Productivity has escalated 205 percent. Wages have effectively gone up about 5 percent over the last 7 years in terms of real dollars and the rest of that productivity has gone to the wealthiest individuals.

One of the principle reasons is because wages have effectively remained stagnant. We have seen what has happened to the price of gasoline. It is up 66 percent. Health care is up 38 percent. Education is up 43 percent. Home ownership is up nearly 40 percent, and effectively wages are stagnant at 5 percent. These are the things that families are concerned about, how they are going to get to work. How they are going to be able to afford health care, to send their children to school? Are they going to have a home?

This is what all of us have seen in many of the colder regions of the country. As the temperature drops, home heating oil prices have gone through the roof: \$1.83 a gallon in 2001; in 2007, \$3.29. It has gone up 33 percent in real terms since last year. So homes have gotten more expensive. Education is more expensive. Fuel is more expensive. Health care is more expensive. Heating oil is more expensive. This has all contributed to the growth of insecurity.

The price of food has risen faster than the rate of inflation. Whether it is a pound of beef or whether it is eggs, prices are rising up to 50 percent faster than the rate of inflation. Even milk is higher than the rate of inflation.

All of this has been happening while working families have been working longer and harder than those in any other industrial nation of the world.