



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 154

WASHINGTON, WEDNESDAY, SEPTEMBER 17, 2008

No. 148

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

### PRAYER

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

Let us pray.

"O God, our help in ages past, our hope for years to come. Our shelter from the stormy blast, and our eternal home. Before the years in order stood, or Earth received her frame, from everlasting, You are God, to endless years the same." Isaac Watts, 1719.

Lord, today we praise You for Your justice and the impartiality of Your love and mercy.

Shower our lawmakers with Your matchless favor as You enfold and sustain them with Your gracious love. Lord, quicken their minds to seek Your wisdom and infuse them with the desire to do Your will. Give them decisive guidance in the relationships and responsibilities ahead of us. Speak so clearly to them that their utterances will reflect the tenor and tone of Your truth.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN 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, September 17, 2008.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CARDIN 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, the scheduled termination date of this Congress is a week this coming Friday—a week after the day after tomorrow. We have a lot to do. We are going to finish, sometime today, the Defense authorization bill. I am in conference with Senator LEVIN to see if there is something we can work out. If not, this matter will be completed, no matter what anyone does, at 9:30 tonight. The vote tonight is on passage of the bill. It is not 60 votes. We just have to get a simple majority.

I will file cloture on the Coburn package, which has scores of bills in it that have been held up. I had a very good conversation with him yesterday. I will meet with him later today to see if we can work something out and move forward on that without a cloture vote. I hope that can be done. Senator COBURN said he thought it could be. I hope that is, in fact, the case. I will be as reasonable as I can be, and I am hopeful and confident that he will be.

After that—whatever is determined on that—we are going to move to the tax extenders. We need a vehicle to do

that. Any of the 99 Senators can object to having a vehicle to do that. We, of course, procedurally, could move to something, but it could take a couple extra days. Of course, everyone should understand that we may have to be working the next week or so with no time off. If we have people who are trying to slow things up, stall things, then we are going to have to use the time that we have to use, procedurally, to get to an instrument. Once we get to that, Senator MCCONNELL and I have an agreement that we are going to try to effectuate where we would vote on paying for all the tax extenders as it relates to renewables. Then we would have a vote on whether we are going to pay for AMT, and then a vote on the package and send that to the House.

Of course, after that, there are other things we need to do. We have an economic recovery package. The House will be sending us that. We have a CR that we have to complete to fund the Government. There is one thing I didn't mention by oversight.

When we finish the tax extenders, we have to do the rest of our energy legislation. That is the bill the House passed last night. We can use that for a vehicle. Everybody is expecting—rightfully so—that there would be a vote on Senator BINGAMAN's alternative, there would be a vote on the Republican alternative, and there would be a vote—if, in fact, they decide to move forward on it—on the Gang of 10's so-called bipartisan legislation. So there is the House-passed bill, the Bingaman bill, the Republican alternative, and the bipartisan bill. All of them include drilling. So people can vote their hearts out on drilling. Someone could actually vote for all four of those.

As I indicated, we have the CR. There are a lot of other things the CR may take care of that we have not finished, including MilCon, VA, and Homeland Security appropriations; and there are people out there who are concerned about things we should do before we

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



Printed on recycled paper.

S8897

leave here, such as LIHEAP. Hopefully, that could be included in either the stimulus package or the CR. Oil prices are not as high as they have been, but fuel oil in the Northeast is expected to be high this winter. We hope to work something out on mental health parity, the Ledbetter issue. We could have another vote on that, if I decide that. We have a lot to do.

This morning, we are going to have a period for morning business for up to 1 hour, as soon as I complete my statement. The majority will control the first 30 minutes. My understanding is that Senator DORGAN is here and available, and he will speak for about 15 minutes. The Republicans will control the last 30 minutes.

Following that, we will resume consideration of S. 3001, the Defense authorization. Yesterday, cloture was invoked on the Defense bill, and I announced at that time I was appreciative of the help we got from the Republicans. All postcloture debate time will expire about 9:30 tonight.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

#### RECOGNITION OF THE REPUBLICAN LEADER

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

#### HURRICANE IKE

Mr. MCCONNELL. Mr. President, the impact of Hurricane Ike, as we all know, devastated part of the United States, including my State of Kentucky. This past Sunday, 70-mile-per-hour winds blew through the State, leaving thousands of people with damaged or destroyed property.

I could give my own personal observation about it. My wife and I were out at lunch Sunday when the storm came through. There were very high winds, as I indicated—70-mile-an-hour winds—which we are certainly not accustomed to in Louisville, KY. We drove home and saw that one way into our house was blocked because a tree in our own yard had fallen across the road. We took another route around to try to get into the back of the house, and another

tree had fallen across the road. That was replicated across Louisville, KY. The power in my own house is still out—to personalize it—as it is in a huge number of houses in Louisville and northern Kentucky, which is across from Cincinnati. This had a severe impact on a lot of people. The good news is that the hospitals and major facilities do have power.

As many as 170,000 homes are still without power. And schools in several counties remain closed today as the cleanup continues.

State and local officials are working as hard as they can to survey the destruction and get help to anyone who needs it.

I expect the State will soon ask the Federal Government for disaster assistance, which I will strongly support.

#### THE ECONOMY

Mr. MCCONNELL. Mr. President, families all across America are concerned about their financial security. As Congress, the administration and Federal Reserve consider the appropriate measures to strengthen our capital markets, I believe it is imperative that we do so in a bipartisan manner.

Now more than ever is the time to rise above politics and work together. Our constituents do not want campaign speeches and hyperpartisan accusations—they want security for their home and savings. They want energy security and lower costs for gas and oil. And they want protection from future tax hikes on their income.

Government should be focused on bipartisan efforts to address the fundamental problems in the credit markets and must be cautious in putting taxpayer dollars at risk. And we should work together to help all Americans.

#### CONSTITUTION DAY

Mr. MCCONNELL. Mr. President, in giving these remarks, I am saluting Senator BYRD.

Just a few short blocks from this Capitol at the National Archives lies an old and yellowing document, encased under heavy glass.

It is the Constitution of the United States, signed on this day in 1787 by 39 brave Americans. They and their countrymen had just fought a war for liberty. And they understood that the highest goal of a government is to preserve and protect that liberty.

The oldest delegate, Benjamin Franklin, was already revered by his colleagues as one of America's greatest statesmen. They wanted to hear his opinion on their work. Franklin told his compatriots in Philadelphia, "I consent, sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best."

Over two centuries later, we can say proudly that the system of Government those great men devised is the best—simple in form, elegant in function, and firmly devoted to the preser-

vation of liberty. Amended many times but never abandoned, our Constitution is the oldest still in use today.

We celebrate, every year, the brilliant document our Founders gave us by marking September 17 as Constitution Day. Senator BYRD was the one who suggested that we do that. It is a day for all Americans, but especially schoolchildren, to learn more about the Constitution, to understand how it works, and to appreciate how it has guided our Nation through growth and change.

I want to thank the senior Senator from West Virginia for sponsoring the legislation 4 years ago to mark this day and to celebrate this seminal document. We all know the love Senator BYRD has for American history, and the history of the Senate.

He knows that you cannot truly understand how liberty is preserved in our country without understanding the Constitution. Thank you, Senator BYRD for your efforts.

Constitution Day serves to promote civic awareness. In Kentucky, we take this charge seriously, and through important efforts like the Civic Literacy Initiative of Kentucky and other projects, we are working to increase civic awareness across the Bluegrass State.

So on this day, we recognize the students, teachers, and community leaders in Kentucky and across the Nation who promote and protect the ideals of our glorious Constitution.

And we say a special thanks for our men and women in uniform, who defend it.

More than two centuries ago, the 39 signers of our Constitution gave us a more perfect Union through a document that endures and guides us here today. They understood, as we all must, that above all, Government serves to secure the blessings of liberty for the people of our great Nation.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I applaud my colleague for the statement he made. The Constitution is our guiding document in this great country. There isn't too much emphasis we can place on it. I respect the words of my colleague. I am confident that he speaks for all Senators.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

#### THE ECONOMY

Mr. DORGAN. Mr. President, it is now Wednesday of a week that began with a 504-point collapse in the stock market on Monday. The American economy, I think most people would understand, is in serious trouble. These are not ordinary times for our country. We have been the economic engine of the world. We have built an economic engine that is unparalleled. It has been an unbelievable economy, and created great jobs. Yet we now run into some very significant problems.