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## Senate

(Legislative day of Wednesday, September 17, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

### PRAYER

The guest Chaplain, Rev. Peter Marshall, Jr., Orleans, MA, offered the following prayer:

Let us pray.

Heavenly Father, I pray for the men and women of this Chamber, who by Your mercy have been granted the high privilege of being a U.S. Senator. Make them mindful, O God, that they hold their office as a public trust; that they are first responsible, not to their constituents or each other, but to You, as men and women who will one day stand before Your throne to give account for their lives. Father, if any of them are laboring under the jaded cynicism that can come from years spent in the political process, cleanse them from it. Father, grant them a renewed vision of the nobility of a life spent in public service. Fire their hearts, O God, with the love of truth and honest dealing, that they may rise above mere vote trading and the blandishments of lobbyists and do that which is right in Your sight.

Through Jesus Christ, our Lord, Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR 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 18, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. PRYOR 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, following the remarks of the two leaders, the Senate will proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

I have been in contact with the Republican leader. We hope, in the near future, to be able to enter a unanimous consent agreement to move forward on the tax extenders legislation, with limited debate. We also were unable to reach an agreement to consider the Advance America's Priorities Act. I am expecting a call from Senator COBURN momentarily to see if we can work our way through that. If we are unable to reach an agreement today on the extenders package—and we certainly think it would be possible, with an agreement, to work through the Coburn problems, but if we cannot do that, we will have to have a cloture

vote in the morning on S. 3297. I hope that is not necessary.

I remind everybody that the adjournment date is next Friday. Everyone who holds things up must be very careful that they are not holding up our getting out of here on time. We have to do the extenders. We have to do the energy legislation. We have to do work on the stimulus bill, a CR, and a few other things that are absolutely necessary. I have spoken to the House leadership, and they want to be out by next Friday. But we have to send them some things before we can be out by next Friday.

I remind everyone that it is possible that we might have to work the next few days. There is nothing to change that at this stage. Monday, there will be no votes. I announced that some time ago. That being the case, whatever we do this week, then we have next Tuesday, Wednesday, Thursday, and Friday, and that is our adjournment date. If we don't finish our work by next Friday—or Saturday, if that is the case—the following week is a Jewish holiday, Rosh Hashanah, which means we would have to come back the following Wednesday. So I hope everybody understands how difficult this is. One of the Senators said to me: Why aren't you more definite in what you are scheduling? I just cannot be, with the procedures in the Senate. One or two people can really throw a monkey wrench into how we move forward.

I hope we can have a very productive day. It is possible that we can complete the tax extenders and the energy legislation today. We could do that all today. There is no reason we can't. We know what we need to do. We need to pass the paid-for extenders on energy. We need to have a vote on AMT, whether we are going to pay for that, and we need to have a vote on the rest of the extenders package. Time limits are in

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



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the proposed unanimous consent agreement. We can do that quickly, and we can then move to have the votes on the energy package. Senator BINGAMAN has an amendment. We have a House bill. We could move to substitute the Bingaman amendment for that. The Republicans have something they want to do on drilling. And then we will see if there is going to be the alternative offered by the Gang of 10. We could do that all today. We may go into the evening a little bit. But I hope Senators realize that every little bit of time that we don't have an agreement to move forward with legislation, it makes it more apparent that we are going to have to be here tomorrow, maybe Saturday, and certainly after the adjournment date.

#### RECOGNITION OF THE REPUBLICAN LEADER

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

#### MAXIMUM COOPERATION

Mr. MCCONNELL. Mr. President, let me say to my good friend the majority leader that he can expect a high level of cooperation from this side on moving forward on the extenders package, as we have essentially reached an agreement, which has basically been drafted. We will be working on a way to go forward, procedurally, on that measure at the earliest possible time. He will also get maximum cooperation from us on a variety of different matters he would like to consider prior to next week. So we will stay in constant communication and try to see what we can accomplish on a bipartisan basis in the rather small amount of time we have remaining.

#### THE ECONOMY

Mr. MCCONNELL. Mr. President, on the front page of every newspaper in towns and cities throughout the country, Americans are reading stories about our economy and they are looking for answers. They are looking for leadership. They are looking for a sign that everything is going to be OK—or, at the very least, a sign that their elected officials are committed to fixing the problem.

I know that, in Kentucky, it is not the hard work that bothers them. They have always held up their end of the bargain. It is what they can't control that makes them nervous. They want to know that their pensions, their savings, and their families are going to be OK. They want to be reassured that the investments taxpayers made this week were the right thing to do.

Considering what the American people have seen from some of our colleagues on the Senate floor this week, I understand their nervousness. Instead of working to ease the anxiety Ameri-

cans are feeling about the economy, some are using the anxiety to continue their everlasting campaign. Instead of coming together to face this problem head-on as a country, some colleagues have taken to the Senate floor to blame Republicans for the bad news.

It is little wonder why Americans hold this Congress in such low regard. We can all come up with a million reasons to blame someone for bad news, but it doesn't change the fact that we all face these challenges together. It is time to confront the problem rather than point fingers. That is the challenge for this Congress in the days ahead.

Mr. President, 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 now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Montana is recognized.

#### IN THE LAST MINUTES

Mr. BAUCUS. Mr. President, as the old saying goes:

If it were not for the last minute, a lot of things would not get done.

Well, God willing, we are nearing the last minutes of this Congress and, God willing, we are close to getting a lot of things done.

For the better part of this Congress, we have been working on passing three major tax bills. One has been to put America on sounder energy policy. The second has been to prevent the AMT from raising taxes for millions of American families. The third has been to extend a series of tax incentives that are vital to American jobs and families. Frankly, on these matters, what unites us is far greater than what divides us. And now, at the last minute, it is time to get these bills done.

With this in mind, I have worked with my good friend CHUCK GRASSLEY, the ranking Republican member of the Finance Committee. Together, we have worked with the majority leader and with the Republican leader. We have worked with Senator DURBIN and with Senator KYL. All of us have come together on a way to get these major tax bills done.

What has divided us on tax measures has been mostly whether to pay for them. Democrats have said we should. Republicans have said we should not. So we and the leaders have come up with an honorable compromise. We propose that we pay for the energy tax

bill, that we not pay for the AMT bill, and that we pay for roughly half of the tax extenders bill. With this structure, we believe we can pass these bills, we can get a lot of things done, and we can help to bring on the last minutes of this Congress.

Passing these bills would get a lot of things done. The Energy bill would help to create well-paid jobs in the growing field of new energy technologies. It would help to secure America's independence from high-priced foreign oil. It would help us to move closer to addressing global warming.

The AMT patch would keep some 21.5 million taxpayers from being hit by a tax increase. We must not let more families fall into the AMT.

The tax extenders package would help provide relief in a time of economic uncertainty. The economy clearly is struggling and so are America's working families. Markets are experiencing volatility. In times such as these, Americans need tax cuts they have come to count on to help them get by. The tax extenders package includes the research and development tax credit to spur new, high-paying jobs. It includes a teacher expense deduction to help teachers who put out money from their own pockets to buy school supplies. It includes a tuition deduction to give families needed relief from rising college costs.

As well, this package includes the mental health parity bill. The bill has been a long time in coming. We must pass this bill for many reasons. It would ensure that families facing mental health challenges would receive fair treatment—treatment the same as those facing other health challenges. This legislation is a tribute to the hard work of Senators Paul Wellstone, TED KENNEDY, and PETE DOMENICI.

This package also includes disaster relief. It would aid the victims of the Midwest floods. It would help the victims of all recent federally declared disasters. It includes relief for the victims of Hurricane Ike and Gustav.

This is a good package. It would make real progress on energy policy. It would extend needed tax relief in hard times. It would give us a chance to show American families that Congress can work for them.

So let's hasten the last minutes of this Congress. With that, let's finally get a lot of things done. Let's do the work of governing that the American people sent us here to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

#### THE ECONOMY

Mr. CORNYN. Mr. President, this week I witnessed the devastation and