

SENATORS WARNER AND
KENNEDY

Mr. McCONNELL. Mr. President, we did, indeed, with the announcement by Senator WARNER of his retirement at the end of this term, begin to confront the reality of the Senate without JOHN WARNER. I will have a good deal more to say about his career in the coming months. Of course, we will have ample opportunity to celebrate his remarkable service in the Senate because, fortunately, he will be here until January of 2009, continuing to perform his extraordinary service on behalf of our Nation.

He indicated to me Friday when we were talking that he had added up the total amount of his time in public service, and it was something like 45 years—truly a remarkable patriot.

Of course, later this afternoon Senator KENNEDY will cast his 15,000th vote—another giant in this body who should be recognized for his extraordinary accomplishments. He came to the Senate at age 30. He has been here quite a while and made an enormous contribution to our country. We congratulate him on achieving this milestone.

RETURN FROM THE AUGUST
RECESS

Mr. McCONNELL. Mr. President, as we resume our business here in the Senate, we do so in the hope that we have learned some lessons over the last 8 months. The chief lesson we should have learned, in my view, is that the culture of the endless campaign may win headlines, but it doesn't win much beyond that.

None of us is so naive as to think that the life of an elected politician doesn't involve politics—obviously it does. But we also know that making laws often demands leaving the politics aside. The bitter debates over the war in Iraq and a thin list of significant legislative achievements so far in the 110th Congress are all the proof of that we need.

That's the lesson of the last 8 months—that if we expect to accomplish anything here we need to lower the political temperature. And it is urgent as we return here today that we do just that.

Cooperation is as important on routine business as it is on contentious things. We are now just 4 weeks away from the beginning of the new fiscal year, and we have not sent a single one of the twelve annual appropriations bills to the President's desk. This almost certainly means we will soon be looking at an appropriations train wreck here in the next few weeks, followed by a continuing resolution to keep the Government running.

This isn't the way it's supposed to be. Indeed, it was not all that long ago that Democrats themselves were denouncing Republicans for doing this very thing.

Faced with the same situation last year, the current assistant majority leader railed against the notion of a continuing resolution, accusing Republicans, as he put it, "of failing to do the most fundamental job Congress is expected to do." I think the assistant majority leader had that right. He said that calling the 109th Congress a do-nothing Congress would be an insult to the original do-nothing Congress of 1948. And he vowed to finish the unfinished business of the last Congress.

Yet now, as Democrats enter the ninth month poised to make the very same mistake we did, we have not heard a note of self-criticism from the other side. This kind of selective criticism might work on the campaign trail. But it's a clear recipe for frustration and defeat in the Senate. We need to get these bills passed and over to the President's desk for a signature. And relentless partisanship is not going to do that.

The most heated politics have been reserved, of course, for the war. So if we are going to correct course, we will need to start there. The Congress voted in May to have General Petraeus report back this month on progress in Iraq, and the Congress should listen to what he says, without prejudice, when he gets here.

This is not a baseless hope. We have seen some of the sharpest early critics of the general's new military strategy defending it in recent weeks after seeing for themselves the impact it has had in former al-Qaida strongholds like Anbar Province.

Republicans welcome this kind of honest reassessment. As more Democrats have the courage to acknowledge the good news as well as the bad news in Iraq, we all have reason to hope for the kind of cooperative legislative strategy that has been lacking until now.

The political path the majority has often chosen over the last 8 months has reduced us at times to theatrics on the war. It has left us scrambling on appropriations. And it threatens to prevent us from addressing a number of other vital issues that the American people don't want us to put off. We need to act, cooperatively, before it is too late to address these issues within the limited time we have.

Time is short, and the list is long. We need to act on a farm bill by the end of the month. We need to act on vital free trade agreements and on the debt limit ceiling, which we will reach sometime in early October. We need to extend the FISA legislation.

More than 40 tax provisions expire at the end of this year. We need to extend them before it is too late, and we can only do it if we resist calls to pay for them with equally unpopular offsets.

The other side tends to look at the budget in terms of Newtonian physics: They think every cut calls for an equal and opposite hike. Yet we have seen that this is not the case, with money now flooding into the Treasury at

record rates since the 2001 and 2003 cuts. We should acknowledge the facts and continue this prosperity without imposing new pain on taxpayers who responded to this relief by growing this economy.

The current alternative minimum tax relief is current no more—it expired at the end of last year. In the last three Congresses, we extended this relief before the Fourth of July recess so taxpayers knew with certainty the relief would be there. Yet here we stand, after the August recess, with no sign of any effort to extend it again—no bill reported by committee, not even a markup scheduled.

Unless this relief is extended, 20 million new taxpayers will face this punishing tax when they file their returns next year. They need to know if Democrats are going to make good on their promise to let all the provisions of the 2001 and 2003 tax bills expire. We are willing to work together on this issue, but again, cooperation will mean resisting calls for draconian tax increases to provide relief from a tax which was never intended to affect so many families.

The Senate will soon be asked to confirm a new Attorney General. Some Members of this body will be tempted to turn the confirmation process into another occasion for seeking political advantage. Democrats have rightly noted that the Justice Department's work is too important to languish without leadership at the top.

And they have promised that if the President's nominee puts the rule of law first, they will avoid confrontation. They will prove they mean it by not looking to secure commitments from the nominee as a condition of his or her confirmation, other than that he or she will faithfully enforce the law.

Attempts to exact political promises and precommitments would be inconsistent with the goal of restoring the Justice Department to full strength as quickly as possible.

Nor should the confirmation of a new Attorney General be used as an excuse to slow down circuit court nominations, starting with Judge Leslie Southwick.

The average number of circuit court confirmations during the final 2 years of similarly situated presidencies is 17. We have fallen off pace to approximate that standard.

At this point, the Senate has only confirmed three circuit court nominees—three. The Senate can begin to make much needed progress in this area by confirming Judge Southwick. The Judiciary Committee voted to send his nomination to the Senate before we broke for recess and he deserves a vote and he deserves it soon.

In my view, the Democratic majority has wasted too much time in the first months of this session playing politics instead of legislating. The working days we have left in this session are too few to be squandered. We need to put aside the political path and come