



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, THURSDAY, JANUARY 15, 2009

No. 9

## Senate

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

### PRAYER

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

Let us pray.

Almighty God, who at creation brought order out of chaos and light out of darkness, bring order and illumination to our world. As our law-makers labor, illuminate the darkness of pessimism and doubt, as You give them the wisdom to distinguish between truth and falsehood, good and evil, better and best. Lord, renew their spirits and lift their vision so that they can see possibilities that are now hidden from them. Keep them from embracing the second best, and let their ordered lives confess the beauty of Your peace.

We pray in the Name of him who is the light of the world. 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, January 15, 2009.

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.

### SENATOR BIDEN'S FAREWELL SPEECH TO THE SENATE

Mr. REID. Mr. President, Senator BIDEN is here to give his farewell address to the U.S. Senate. Over the many decades he has served in the Senate, he has given many speeches in the Senate. We all look forward to his final remarks, recognizing the loss of his service in the Senate is significant. However, being Vice President, he will still be President of the Senate.

I will always remember Senator BIDEN telling me, after the time he had been selected to be Vice President: I am a Senate guy. I will always be a Senate guy.

### SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business. We will start that after the distinguished Republican leader and I have finished our remarks. Following Senator BIDEN's statement, which he will give as soon as we finish our remarks, Senator CLINTON will come and give her farewell address. In addition, Senator SALAZAR intends to give his farewell speech sometime, as soon as there is clearance on the calendar. But it will be today.

At noon, the Senate will resume consideration of S. 22, the public lands bill. There will be up to 10 minutes for debate equality divided between Senators

BINGAMAN and COBURN. Upon the use or yielding back of time, the Senate will consider any managers' amendments cleared by both leaders, and we will proceed to a rollcall vote on passage of the bill. Upon disposition of the lands bill, the Senate will proceed to a cloture vote on the motion to proceed to S. 181, the Lilly Ledbetter Fair Pay Act. Therefore, Senators should expect two rollcall votes beginning at approximately 12:10 p.m. today.

Also, at 2 p.m. today, Senator-appointee BURRIS will take the oath of office to be a U.S. Senator. At 11 a.m. tomorrow, Senator-appointee KAUFMAN will be sworn in to replace Senator BIDEN of Delaware.

With respect to the resolution of disapproval regarding the Emergency Economic Stabilization Act, the TARP legislation, yesterday we proposed a unanimous-consent request to our Republican colleagues for a limited amount of debate and a vote on the joint resolution at around 4 o'clock today. We hope to be able to lock that agreement in shortly.

### WORKING TOGETHER

Mr. REID. Mr. President, just a couple of brief remarks.

With all the challenges our country faces, I think we all agree on the importance of this Congress getting off to a fast and effective start. In many ways, I believe we are on that track.

Today, we will likely pass a major wilderness bill that will preserve our environment for the enjoyment of generations to come. The press reports it is the most significant environmental bill that will be passed in more than a quarter century.

We are making progress on confirmation hearings so President Obama will have his team hit the ground running on January 20. We have seated new Members and announced new committee assignments for the 111th Congress.

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



Printed on recycled paper.

S401

Today, we vote on stopping a filibuster on a motion to proceed to the Lilly Ledbetter legislation—legislation that ensures pay fairness in the workplace. This should not be necessary. It is really a waste of time—our country's time. After at least 2 legislative days to get the bill before the Senate to have this vote today, we must wait another 30 hours until we can start offering amendments on the bill. That is a waste of time. That is 4 days at least of wasted time and unnecessary delay. I hope in the future we can just go to the bill, avoid the cloture filing on a motion to proceed. Instead of forcing cloture motions that only waste time and delay progress, I urge my Republican colleagues to offer amendments. If they object to parts of this bill, the Lilly Ledbetter bill, then let's work on a list of amendments and get through them. I do not approve the amendments. The Republican leader does not approve them. Senators will have that opportunity to vote on amendments, up or down, and it does not get any fairer than that. There may be motions to table, but at least they will have the right to offer those amendments.

I think we have the opportunity to get this Congress off on the right foot. I want all to know there is no attempt by Democrats to jam legislation through without Republican involvement. So I ask my Republican colleagues to accept my offer to work with us rather than revert to the old path of obstruction that served neither party nor the American people well.

So I would hope that as soon as this vote takes place today, we would not have to wait 30 hours or 5 hours or any amount of hours. Let's just start legislating on the bill. People could offer amendments today, after we get these votes out of the way. We could offer amendments tomorrow. I hope we can do that. As we have done in the past, if there is a series of amendments, we can always stack those votes to vote at a more convenient time for everyone. But I hope we can do that.

#### HONORING SENATOR JOE BIDEN

Mr. REID. Mr. President, finally, let me say about Vice President-elect JOE BIDEN, Senator JOE BIDEN, JOE BIDEN: Everyone knows about his courage, his wonderful family, his remarkable career in the U.S. Senate. We know he overcame a tremendously difficult personal tragedy during the first few days after his election. I am not sure many could have had the strength he had to conquer this tragedy. Then, of course, he got sick many years later and fought back. It was when TIM JOHNSON was in the hospital in a coma that JOE BIDEN visited him and his family and talked to him about the fact that there will be times when, as he is recovering, he may be embarrassed by his inability to speak very well. JOE BIDEN is one of the great orators in the history of the country. No one would have ever known he had a problem very similar

to what happened to TIM JOHNSON. He was such a role model to build TIM's confidence to be able to come back to the Senate.

We here in the Senate know his wonderful family, and now, because of his exposure to America, our country has been introduced to this great family. We know he is now in his seventh term in the Senate, in which time he has served as chairman of the Foreign Relations Committee, chairman of the Judiciary Committee, and that he is a champion of rights for women, the environment, a strong military, and the rule of law.

When I think of JOE BIDEN—I have known him here since I came to the Congress in 1982. I came to the Senate a few years later. But in all of this time, the picture in my mind is during the heat of the Presidential campaign. I am driving down through the capital of the State of Nevada, Carson City, and I look out on a corner there, and there is JOE BIDEN in Carson City, NV, campaigning. He had a number of people around him. I stopped the car, got out, and gave Joe a handshake and a big hug. It was so JOE BIDEN to be there. He was there pressing the flesh and talking to voters.

The people of Nevada have come to know and love JOE BIDEN for that very reason. He is kind of a regular guy; whether it is at one of the sandwich shops which came from Delaware to Nevada, Capriotti's—now they are all over Nevada—they all have a picture of JOE BIDEN in them because it was a Delaware-based sandwich shop. He is just a regular kind of guy who shows up on a street corner just to talk to people.

I will always remember with gratitude the kindness he showed when I first arrived in the Senate in 1986. I will be forever grateful that he was one of the very first colleagues to support my candidacy for Democratic whip. I can remember. I was in his office. He called in his secretary, and I do not remember her name, but he said: I take no more calls on this. REID's my man.

Well, I have always been his. I am a Senate guy, just like JOE BIDEN. We cannot get that out of our blood. I wish him well. He is going to be a great representative of our country, and I am very proud to be able to say to JOE BIDEN: You are my friend.

#### RECOGNITION OF THE MINORITY LEADER

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

#### LILLY LEDBETTER FAIR PAY ACT

Mr. MCCONNELL. Mr. President, I, too, shortly want to make some remarks about our good friend from Delaware as he leaves the Senate today to take up his new responsibilities, but first a few observations about the next item on the agenda, the so-called Ledbetter legislation.

Let me say to my good friend the majority leader, I intend to vote for cloture on the motion to proceed. He and I have had a number of constructive conversations privately, and he has reiterated again today publicly that we are going to make an effort to get the Senate back to operating the way it used to, which is that bills are amendable. So I have said to my colleagues and I would say to my good friend from Nevada that I trust you and believe you that we are going to get on the Ledbetter bill, we are going to have amendments and have votes and then dispose of the legislation in the normal way.

With regard to the substance of that particular measure, despite the gross distortions voters heard about this legislation in the runup to the November elections, the Ledbetter bill as written is neither about women nor fairness, and it is not about whether pay discrimination should be illegal. Pay discrimination is illegal, and it has been since 1963. Rather, this bill is about how long the statute of limitations on pay discrimination suits should be.

Last night, Republicans began to outline a proposal for addressing this question in a way that is fair for everyone. Senator HUTCHISON's bill strikes the right balance. It says the clock should not run out on someone who has been discriminated against until he or she discovers the alleged discrimination. This way, the focus is where it should be, on the injured party.

The Ledbetter legislation unfairly targets business owners, who may or may not have discriminated against a man or a woman, on the basis of pay years or even decades ago. Its primary beneficiaries are lawyers, who want to squeeze a major settlement out of every company that fears the expense or the publicity of going to court. This bill is unfair to business owners who in many cases will no longer have the evidence they would need to mount a convincing defense, and it is unfair to the millions of American workers who are worried about losing their jobs in the current economic downturn. Job creators have enough to worry about at the moment. Adding the threat of never-ending lawsuits is a new burden the Federal Government should not even be considering at this particular time.

No right-thinking American would defend discrimination of any kind in the workplace or anywhere else. And it is unfair to the public to suggest that those who oppose this bill endorse discrimination. It degrades our public discourse and it degrades the legislative process.

Many of us oppose this bill as written because it will paralyze businesses and add an even greater strain on workers than they currently face. We support a business climate that creates the conditions for success, not a climate that harasses the millions of men and women in this country who support themselves, their families, and their