



United States  
of America

# Congressional Record

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

Vol. 154

WASHINGTON, TUESDAY, DECEMBER 9, 2008

No. 184

## Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

### PRAYER

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

Let us pray.

Lord of all, Your blessings to our Nation astound us. You have given us this rich land to produce an oasis of freedom in a barren world.

Bless our lawmakers as they seek to fulfill Your purposes. Give them great wisdom to choose what is best. As they grapple with complex issues, infuse them with confidence that Your providence will prevail. Renew their strength as they trust Your guidance, so that they will run and not be weary. In due season, bring them a bountiful harvest. We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 9, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### MEASURES PLACED ON THE CAL- ENDAR—H.R. 7005, H.R. 7006, H.R. 7060

Mr. REID. Mr. President, there are three bills at the desk due for a second reading; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent for their second reading.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7005) to amend the Internal Revenue Code of 1986 to provide alternative minimum tax relief for individuals for 2008.

A bill (H.R. 7006) to amend the Internal Revenue Code of 1986 to provide disaster assistance relief.

A bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

### SCHEDULE

Mr. REID. Mr. President, following the remarks of the two leaders, the Senate will proceed to a period of morning business until noon today, with Senators allowed to speak for up to 10 minutes each.

Those three bills that were reported are three tax bills. I have been in touch with the distinguished Republican leader. Those are placeholders for purposes of our having the opportunity to

get to the Detroit bailout, recovery plan, whatever we wish to call it.

I talked to my staff; they were up virtually most of the night working with the Banking Committee from the House and the Senate, and there are two remaining issues that have been discussed with the White House. I am confident those matters can be resolved within the next hour or so. They are both important issues, but I think they can be resolved. That having been done, we will confer, Senator McCONNELL and I, and decide how we are going to proceed. I think it would be to everyone's advantage that we move first, but we will have to wait and see how. The House can do that if they choose to.

We would hope they can complete work on this Detroit situation tonight or tomorrow. Then we have to wait for the White House to determine what, if anything, they are going to do with requesting the other money from the TARP money; that is, the bank bailout. That decision has not been made yet.

Members, I have received calls, as I am sure my distinguished counterpart has, that people have obligations at home, there are a number of important foreign meetings people wish to be involved in that they have set on their calendars for longstanding periods of time. These are not pleasure trips, they are business trips representing the Senate. We hope to be able to complete work here as soon as possible. The problem is we have to wait and see how we move through this. The Senate, being the unique legislative body it is, and it has been, one or two people can slow things down quite a bit. We hope that is not the case. We know what we have to try to do. We need to do it as quickly as possible.

So I hope that, in fact, can be done; that is, the legislation can be put before us and a vote taken.

On the reading of bills, the second reading, I would object to any further

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



Printed on recycled paper.

S10821

proceedings with respect to these bills. I do it en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The measures will be placed on the calendar under rule XIV.

#### RECOGNITION OF THE REPUBLICAN LEADER

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

#### AUTO INDUSTRY REVIVAL

Mr. MCCONNELL. The auto industry is vitally important to our Nation's economy, and it is vitally important to my home State. This is not in dispute. The question before us is how to reverse the decline of some of those automobile manufacturers after decades of complicity between management and labor.

I understand congressional Democrats sent a revised proposal to which the majority leader referred, to the White House late last night. We will reserve our judgment until we see the latest text. But the proposal we saw yesterday afternoon fails to achieve our goal of securing long-term viability of ailing auto companies.

I wish to support a bill that revives this industry. But I will not support a bill that revives the patient with taxpayer dollars, yet does not secure a commitment that the patient will change its ways so future help is not needed. To do so would be a betrayal of the millions of hardworking taxpayers who are not at fault for the troubles in the auto industry. It would be unfair to the millions of Americans who depend on these companies.

On the management side, the draft plan released yesterday fails to require the kind of serious reform that will ensure long-term viability for struggling automobile companies. By giving the Government the option of cancelling Government assistance in the event that reforms are not achieved, rather than requiring it, we open the door to unlimited Federal subsidies in the future.

Instead, we should demand management make the tough choices that are required for long-term viability. This is the only fair approach from the standpoint of the taxpayer who is footing the bill. On the labor side, this bill proposal fails to require any serious reform of legacy costs. Indeed, it states explicitly that one of its purposes is to preserve the same retirement and health care benefits that have made these companies so uncompetitive.

It is delusional to expect a company that spends \$71 per labor hour to compete with a company in a neighboring State that spends \$49 per labor hour. In short, this proposal is deeply flawed because it fails to assure taxpayers, who rightly expect us to be good stewards of their hard-earned money, that they will not be asked to shell out billions

more in a few years or even a few months from now.

Now, there are times when help is needed. But one thing most people expect when they are asked for help is that the one asking makes a commitment to change. This proposal does not go nearly far enough. It holds neither management nor labor truly accountable.

In areas where one side is held accountable, the other side is not. One example is a provision that requires automakers to drop all legal challenges to State fuel economy standards that are inconsistent with the Federal standard. Where is the offer from our friends on the other side to call on environmental groups to drop their lawsuits?

Democrats say they want to solve this problem as much as we do. Yet they seem all too eager to tip the scales to the detriment of the manufacturers. Look, there is plenty of blame to go around for the problems that ail the auto industry, but fixing half of a problem is not a real solution.

Any successful proposal would force companies to reform, either inside of bankruptcy or outside of bankruptcy. Without that mandate, there can be no real expectation of reform. A good proposal would force automakers to get control of their benefit costs. A good proposal would make wages of struggling companies competitive with other automakers, not tomorrow but today. A good proposal would end the practice of paying workers who do not work. A good proposal would rationalize dealer networks.

Just as struggling airlines adjust their capacity to respond to market conditions, automakers must respond to market demands as well. I regret that the proposal Republicans saw yesterday afternoon does not do enough to fix the whole problem. It subsidizes it. A real solution must protect the taxpayers by forcing the changes needed to put these companies on the path to long-term success.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the lifeline we throw to Detroit has to be one that gets them to shore, not part way to shore. That is why I indicated in my opening statement that during the night there has been a lot of give-and-take between the White House and the two banking committees.

As I reported earlier, I think there are only two major issues that are still outstanding, and I am confident and hopeful they can be resolved in the next few hours.

The issue before us is, what can we do to stabilize an industry that has direct impact upon 2.5 million jobs in this country. The mere fact that we were trying to work something out yesterday caused the stock market to go up almost 300 points. The American people want us to try to resolve this issue.

But my friend is right. As strongly connected as I am to organized labor, it

cannot be a one-sided proposal that is brought before the Senate. I am confident it will not be. I have talked to the Big Three operators. Some are held in low repute. But that withstanding, I think we are in a situation now where we all have to kind of join hands, recognize that this is going to be a compromise, we are going to try to work something out. That is what legislation is all about, the art of compromise and consensus building. That is where we are now. As I indicated, I think we are very close to having something that I think we can bring before the body sometime today.

Mr. President, I suggest 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. CASEY. 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.

#### 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 until 12 noon, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania is recognized.

#### HONORING OUR ARMED FORCES

##### FALLEN PENNSYLVANIANS

Mr. CASEY. Mr. President, as we bring the 110th Congress to a close, our Nation confronts a daunting set of challenges. While we face the gravest crisis, perhaps, since the Great Depression, we must also remember that we are a nation at war. From Iraq to Afghanistan, from the Pacific to Europe and countless places in between, American service men and women are proudly carrying out their duties to protect our country and our way of life. Under stressful conditions and the constant threat of danger, members of our Armed Forces do what it takes to get the job done every day.

During this holiday season, I wish to take a moment to express my gratitude to our servicemembers. Their personal courage and honor should not be taken for granted but genuinely appreciated. I know that is the sentiment of the Senate on both sides of the aisle.

Today, on behalf of my family, the people of Pennsylvania, and people throughout the country, I thank the members of our armed services and their families, especially those who