



United States  
of America

# Congressional Record

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

Vol. 155

WASHINGTON, TUESDAY, OCTOBER 6, 2009

No. 143

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

### PRAYER

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

Let us pray.

Lord God of the nations, our country was conceived in the minds and hearts of appointed leaders who acknowledged their need of You. May the Members of this body follow that example and humble themselves before You. Help our lawmakers to admit their need for Your guidance and submit to the leading of Your spirit. Lord, remind them that You have promised to be with them always, even until the end of the age. Encourage our Senators in the knowledge that each Member is important to the effective operation of the legislative process. Keep them working together as a family of loyal Americans privileged to serve our Nation.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS 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, October 6, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BURRIS 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 leader remarks, the Senate will turn to executive session to consider the nomination of Thomas Perez to be an assistant attorney general, with the time until 12:15 equally divided and controlled between Senators LEAHY and SESSIONS, the chairman and ranking member of the Judiciary Committee.

At 12:15 the Senate will proceed to a cloture vote on the nomination. Under a previous order entered, if cloture is invoked, all postcloture debate time will be yielded back and the Senate will proceed to vote on confirmation of the nomination.

We are working out now whether we will need a rollcall vote on confirmation of the nomination if cloture is invoked. Upon disposition of the nomination, the Senate will proceed to the weekly caucus luncheons which will last until 2:15 p.m. today.

After the recess, there will be a period of morning business until 3:15 p.m., with the time equally divided and controlled between the two leaders or their designees. At 3:15 the Senate will resume consideration of the Department of Defense Appropriations bill and begin a series of up to 14 rollcall votes in relation to the remaining amendments and passage of the bill.

### MEASURE PLACED ON THE CALENDAR—S. 1751

Mr. REID. Mr. President, S. 1751 is at the desk. It is my understanding it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1751) to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now or any other entity which has been indicted for or convicted of violations of laws governing election administration or campaign financing.

Mr. REID. I object to any further proceedings with respect to the bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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.

### RECOGNITION OF THE MINORITY LEADER

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

### HEALTH CARE WEEK XII, DAY 1

Mr. MCCONNELL. Mr. President, the American people have made their voices heard in the health care debate. Their message is clear. They want reforms that bring down the staggering cost of health care and increase access,

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



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and they do not want insurers turning people away.

In short, Americans are not happy with the status quo. But they are just as concerned, if not more so, with the alternatives that the White House and a handful of Democrats on Capitol Hill are pushing through Congress.

Soon, the last of the five committees involved in this debate will finish its work. After that, a handful of Democratic Senators will get together in a closed conference room somewhere in the Capitol to hash out a final product. Their proceedings may be private, but based on their stated preferences we have got a good sense of the basics.

We know that the bill they send to the Senate floor will cut seniors' Medicare by half a trillion dollars; we know that it will raise taxes on virtually everyone; we know it will limit the health care choices Americans now enjoy. And we know it will be a big government bonanza: a \$1 trillion pricetag and 1,000 pages of indecipherable text.

For the past 2 weeks, Americans have been focused on the Senate Finance Committee. The real focus should be on the conference room where the final bill will be decided. That is because it is in that room that the Democratic leadership from the White House and Congress will attempt to decide the fate of health care for everyone. Their deliberations will be secret. And there is only one direction these Senators plan to take this legislation, and that is to the left.

We have seen what happens in these kinds of closed deliberations before. Over the summer, members of the HELP Committee discovered after a month-long markup that a wellness measure they had agreed to unanimously in front of the cameras in July was mysteriously taken out away from the cameras sometime after a final vote was taken on the bill.

And we all remember how executives at AIG ended up with multimillion dollar bonuses after nearly driving the company off a cliff. Those bonuses were blessed in a closed-door meeting somewhere in the Capitol after a final vote on the stimulus bill had already taken place.

This bill already starts out with a flawed foundation of Medicare cuts, more taxes, more debt, and fewer health care choices. That is reason enough for Americans to oppose it. Now the finishing touches will be added on in secret before a rush to the finish.

Proponents of the administration's health care plan have been working hard over the past 2 weeks to convince the American people their concerns are being heard. We will see if that has just been window dressing. The fact is, the final bill will be worked out, out of sight, by a mere few whose decisions will affect everyone in America. Away from the cameras, they will make decisions that affect every single American and one-sixth of our entire economy.

Americans want commonsense reform. Reshaping the entire economy,

limiting their choices, expanding government control over health care, cutting Medicare, and raising taxes in the middle of the worst economy in memory, and then pushing it through with as little public scrutiny as possible is not what they would call reform.

#### RESERVATION OF LEADER TIME

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

#### EXECUTIVE SESSION

##### NOMINATION OF THOMAS E. PEREZ TO BE AN ASSISTANT ATTORNEY GENERAL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Thomas E. Perez, of Maryland, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:15 p.m. will be equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS, or their designees.

The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first let me say how pleased I am that we are now considering Tom Perez to head the Civil Rights Division. We in Maryland are particularly proud because Tom Perez hails from our State. He has had a distinguished record in the State of Maryland in service to the people of our State and also to the people of our Nation.

I am very pleased that we finally have gotten to this moment. The Civil Rights Division is the Nation's moral conscience. It has been important to protect the rights of all Americans against all forms of discrimination whether it is in employment, whether it is in education, whether it is in housing, whether it is in voting, whether it is in personal liberties or hate crimes. It is what Americans turn to to protect their rights. It has had a very proud history, the Civil Rights Division, since its inception, both under Democratic and Republican administrations. It has had a steady course.

There has been one notable exception. I think we all understand that during the previous administration there was an effort made to diminish the importance of the Civil Rights Division. It triggered joint reports by the Office of Personal Responsibility and the Office of the Inspector General. They issued a joint report on January 13, 2009. It found there was consideration of political and ideological affiliations in hiring career attorneys at the Department of Justice, Civil Rights Di-

vision, which was a violation of Federal law. We also know that during the previous administration, the number of cases brought to protect the civil liberties of Americans was greatly diminished, and the Department took a different view, one that compromised the integrity and independence of the Civil Rights Division.

So it is important we get back on track, and that is why I am so pleased today that we are considering the confirmation of Tom Perez to be the head of the Civil Rights Division. Tom brings a great background to this important assignment. He was educated at Brown University where he received his undergraduate degree, the John F. Kennedy School of Government, and Harvard Law School. He had experience right out of law school as a prosecutor in the Civil Rights Division of the Department of Justice. So from day one Tom Perez knew he had a calling to help improve the civil rights of Americans. Maybe it was because of his family background, the son of an immigrant, maybe it was because of his commitment to the American dream, but he had that passion to help other people, to protect the civil liberties and civil rights of Americans. He rose to become the Deputy Chief in the Division's criminal section. He was a trial attorney for the Department of Justice. He then later took a very important assignment in the Senate. He became special counsel to Senator Ted Kennedy. What a mentor for him. He has commented frequently about his year in the Senate and what a great learning experience it was to understand the importance of the Civil Rights Division from the champion of civil rights in the Senate, Senator Kennedy.

He then became a professor in civil rights law and later returned with an appointment to head the Civil Rights Division of the Department of Health and Human Services, continuously working to promote civil rights. He decided to take on a unique challenge and ran for county council in Montgomery County, MD. I am familiar with all the jurisdictions of Maryland. Perhaps the most challenging is to be a county councilman in Montgomery County, one of our most diverse counties and the largest. He was the first Latino to become president of the county council and took on the great challenges in that county in a professional way and was well respected.

Governor O'Malley appointed him as secretary of Labor, Licensing and Regulation, a critically important part of the O'Malley cabinet. Then, President Obama tapped him to be the head of the Civil Rights Division of the Department of Justice. On June 4, the Judiciary Committee recommended, by a 17-to-2 vote, strongly bipartisan, to recommend his confirmation to the entire Senate. As to reservations raised in the committee, after the confirmation vote, we had meetings with Mr. Perez and Members of the Senate to get a