



United States  
of America

# Congressional Record

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

Vol. 155

WASHINGTON, WEDNESDAY, JANUARY 7, 2009

No. 2

## Senate

The Senate met at 11:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania.

### PRAYER

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

Let us pray.

Eternal God, You are the source of light and peace, and we praise You for giving us blessings far beyond what we deserve. Thank You for the blessings of freedom and a government that seeks to empower people with liberty. Thank You for blessing us with lawmakers who strive to know what is right and to do it. Thank You also for the gift of forgiveness, for You daily meet our need for moral and spiritual renewal. Lord, use our Senators today. Show them Your path and teach them Your ways. Keep them so completely under Your rulership that they will do justly, love mercy, and walk humbly with You.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., 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 7, 2009.

To the Senate:

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

appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### 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, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, are we in a quorum call?

The ACTING PRESIDENT pro tempore. No, we are not. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—S. 1, S. 2, S. 3, S. 4, S. 5, S. 6, S. 7, S. 8, S. 9, S. 10, S. 33, and S. 34

Mr. REID. Mr. President, it is my understanding there are 12 bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 1) to create jobs, restore economic growth, and strengthen America's middle class through measures that modernize the nation's infrastructure, enhance America's energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes.

A bill (S. 2) to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream.

A bill (S. 3) to protect homeowners and consumers by reducing foreclosures, ensur-

ing the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes.

A bill (S. 4) to guarantee affordable, quality health coverage for all Americans, and for other purposes.

A bill (S. 5) to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

A bill (S. 6) to restore and enhance the national security of the United States.

A bill (S. 7) to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes.

A bill (S. 8) to return the Government to the people by reviewing controversial "midnight regulations" issued in the waning days of the Bush Administration.

A bill (S. 9) to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes.

A bill (S. 10) to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes.

A bill (S. 33) to amend the Internal Revenue Code of 1986 with respect to the proper tax treatment of certain indebtedness discharged in 2009 or 2010, and for other purposes.

A bill (S. 34) to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar en bloc.

### MEASURE READ THE FIRST TIME—S. 22

Mr. REID. Mr. President, S. 22 was introduced earlier today by Senator BINGAMAN. It is my understanding that

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



Printed on recycled paper.

S153

is the case and is due for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be read a second time on the next legislative day.

#### ORDER OF BUSINESS

Mr. REID. Mr. President, I have notified a number of Members—I had a meeting with them at 9 o'clock this morning—that because of a Senator not allowing us to move forward on this legislation last night and throwing every procedural hurdle in the way of these bills, which is now in the form of one bill, we are going to have a vote Sunday morning in the Senate. So everyone should understand, Sunday morning we are going to have a vote in the Senate.

I have had a number of meetings with President-elect Obama. We have a lot to do. I spoke with Senator MIKULSKI right before coming in. I have spoken with Senator KENNEDY today. The Ledbetter legislation, to make things more fair for people, especially women, is the next piece of legislation we are going to move to after this bill. We have just a few days to do all this work.

As President-elect Obama has said, there are people out there who would love to work on Sunday. We are going to have to spend time on Saturdays, Sundays, and nighttime, especially during the first several months of this difficult time in which we find ourselves in this country. Everything that should be up is down. Alcoa is laying off 13,500 people today. The word is out that they expected about 400,000 jobs to be lost this month. They are reporting within the next few hours almost 700,000 jobs were lost this month. Do you think we can work a weekend, maybe take a Saturday vote or a Sunday vote? I think we better do that. Senators should cancel their travel plans this weekend.

I have a family just like everyone else does, and I would rather not be here this weekend. But I want everyone to understand—I am glad Republicans are on their retreat. That is important. We are going to have one later on. I hope the staff will alert them that on Sunday we are going to have a vote. I am sorry for the inconvenience, but as President-elect Obama has said, there are people out there who would like to be able to work on Sunday. They would like to work anytime; they don't have

jobs. Mr. President, 670,000 people this month have lost jobs. Think about that—670,000 people have lost jobs.

Mr. President I want to say just one thing. This is Senator BYRD's 50th anniversary. I spoke at some length yesterday about his record. I don't want this day to go by without having acknowledged the 50th anniversary of Senator BYRD's service in the Senate. Senators will be coming to the floor today to talk about Senator BYRD's 50 years of service. At a later time, we will put that into a document and have that available for the public and individual Senators.

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. TESTER. 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.

#### RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARDIN).

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. CASEY. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate at 2:15 p.m., recessed subject to the call of the Chair and reassembled 3:04 p.m., when called to order by the Presiding Officer (Mrs. McCASKILL).

The PRESIDING OFFICER. The Senator from Maryland.

#### ISRAEL AND GAZA

Mr. CARDIN. Madam President, a nation's first responsibility is to defend its citizens against hostile threats. The United States exercised that responsibility when the Taliban Government of Afghanistan supported terrorist attacks against our country. Israel has the responsibility to protect its citizens from Hamas terrorist attacks.

I am deeply saddened by the continued violence and loss of innocent lives on both sides of the Israel-Gaza border.

I strongly support Israel's right to defend its citizens against threats to its security and its existence. I wholeheartedly agree with President-elect Obama who defined the problem very clearly:

If somebody was sending rockets into my house, where my family slept at night I'm going to do everything in my power to stop that.

The recent military action in Gaza is in direct response to numerous rocket and mortar attacks from militants in the Hamas-controlled Gaza, which have killed and injured Israeli citizens and currently paralyzes the southern regions of Israel.

Southern Israel cities have been the target of over 4,000 rockets and thousands of mortar shells since 2001, the majority of which were launched after Israel withdrew from Gaza in August 2005. During the more recent 6-month truce, more than 215 rockets were launched at Israel. Hamas has been extending the range of its striking capability, with new rockets supplied by Iran. The Israeli Government now knows that Hamas had acquired rockets that can reach Ashdod and even the outskirts of Beersheba.

Hamas' willingness to extend its reach deeper into Israel and its overall failure to end attacks exacerbates the already fragile humanitarian situation for the residents of Gaza and undermines efforts to attain peace and security in the region. As a result of the fighting, Gaza City and its main medical center, Shifa Hospital, have been left without electricity and hospitals are pushed beyond their capacity to handle the number of victims. Hamas seems to care more about inflicting damage on Israel than the protection and welfare of its own citizens.

Hamas poses a critical challenge to the regional peace process. Labeled as a terrorist organization but holding seats in the Palestinian Government and acting as the controlling authority in Gaza, the organization's leaders encourage violence and cling to the belief that Israel itself should be destroyed. Questions remain as to whether or not the organization should even be included in peace negotiations, but the fact remains that the threat Hamas poses to Israel is an obstacle to any negotiation efforts.

I urge Israel and the Palestinians to take advantage of the current efforts to broker a sustainable cease-fire and a negotiated peaceful settlement. Any such cease-fire must include Hamas' ending its rocket and mortar attacks, recognize its neighbor's right to exist, renounce violence, and honor all past agreements in order to move toward a two-state solution based on mutual peace and security.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ECONOMIC STIMULUS

Ms. KLOBUCHAR. Madam President, we all know the American economy is in a challenged state. That is a nice