

paid the price. They paid it through lost jobs, they paid it through lost homes, they paid it through more debt, they paid it through losing the American dream.

In the end, if we do Wall Street reform right, if we are able to overcome the opposition to Wall Street reform—the opposition from the Republican leader and those who follow him, which is all about protecting the banks—if we win this debate and outvote the Republican leader and the banks and all who would follow him, it would make Wall Street banks accountable, it would impose strict regulations, and prevent Wall Street from gambling. It would end taxpayer bailouts for good. Financial institutions, not American taxpayers, would then pay for their own mistakes.

If someone starts a small business in O'Leary, OH, and fails, he pays for it. If someone has a job and fails at her job, loses her job, she pays for it. When Wall Street banks fail at their work, they collect, in many cases, millions of dollars and suffer little punishment while the rest of us pay for it.

If we do this right, Wall Street reform will provide the strongest consumer protections for people in Ohio, in Colorado, and in every State in this country—no more of the tricks and the traps in the mortgage market and elsewhere that led to the near collapse of our economy. We need to bring new accountability to Wall Street that protects the pensions of our retirees, the home values of our families, and the jobs of our workers.

Those opposing financial reform—those who oppose Wall Street reform—as they did with health care reform, are protecting special interests. The Presiding Officer, the senior Senator from Colorado, and myself were on the floor many times during the health care debate, and over and over we pointed out how the opponents of the health care reform—similar to the opponents of Wall Street reform—were, in too many cases, simply representing the interest groups that were opposed to this. The Republicans' most important benefactor during health care reform was the insurance companies, and those insurance companies were major supporters of Republicans for decades. Well, we are seeing the same thing with Wall Street. The most important benefactor to Republicans and Wall Street reform are the big banks and the big Wall Street operators. Again, they are doing the bidding of banks and they are doing the bidding of the Wall Street operators.

They make other arguments. They never say: The reason I am opposed to this is because Wall Street and the big banks want me to. No, they come up with something else. There is an old saying from a Mississippi civil rights leader who said: Don't tell me what you believe. Show me what you do, and I will tell you what you believe. Well, watch what my friends on the other side of the aisle are doing; listen to

what Republicans are saying. In the end, they know this choice is between Wall Street and Main Street. Behind closed doors they, of course, want to make the decision for Wall Street, but when they come out here, while they are protecting Wall Street, they want to make it sound as though they are protecting Main Street.

Americans are too smart to be fooled. Wall Street lobbyists have enlisted Republicans to kill a bill. They have had meeting after meeting behind closed doors with Wall Street lobbyists, bank lobbyists talking about how to kill this bill. You know that the Republican leader and those who follow him are saying directly to Wall Street lobbyists that if they want their help, then elect more Republicans in the Senate. That would help immensely. Of course it would, because if there are more Republicans in the Senate, there will be more people to block Wall Street reform.

So while cutting backroom deals to prevent reform, they are hoping the American people forget that it was Wall Street greed and excess; that it was deregulation of Wall Street—so they had no real rules to live under over the last 10 years—that put our economy on the brink of collapse. Well, the American people, this time, will not forget. No more meltdowns, no more bailouts.

We need rules that ensure Wall Street investors can't bet the farm in Chillicothe, can't bet the home in Cleveland Heights, can't bet the job in Wilmington on a financial bubble that is bound to burst. We need rules that support the entrepreneurs and small business owners on Main Street across the Nation, not rules that protect Wall Street in New York.

That is what reform will do. It is about protecting small business owners such as Teresa from Powell, OH, in central Ohio, who writes:

My husband and I are small business owners in Ohio. Our business is successful and we want to grow and hire more employees. But the banks still aren't lending. We have a new product we would like to launch, but we need a loan. We have put everything in the business to make it a success. How is a business to grow when it cannot get financing even if it has a proven track record of success?

It is about JoAnn from Cincinnati, who writes:

I am one of those small business owners who can't get money from the banks. If the situation continues, I and my family and my employees and their families will be out of luck and out of an income, and [into] unemployment. The banks are sitting on cash, cleaning up their balance sheets and killing us with fees.

Some Republicans claim banks are more important than protecting the American public. It is a false choice. The real choice comes this week and next week when this Wall Street reform comes to the Senate floor. The real choice is: Are you going to side with Wall Street or are you going to side with Main Street? That is the choice. If we in this body follow the Re-

publican leader and side with Wall Street, we will be in another financial collapse sometime in the next decade or so. If we, however, in this body follow the Presiding Officer and me and others who think that Main Street is what represents the real values of this country, then we will see a financial system that will serve the American people and doesn't just serve the interests of Wall Street.

JUSTICE JOHN PAUL STEVENS

Mr. LEAHY. Mr. President, today is Justice John Paul Stevens' birthday, and I cannot help but think about that and some wonderful conversations I have had with him of late. As I said, his retirement from the Supreme Court will begin to draw to a close an extraordinary judicial career spanning four decades, including 35 years on the Nation's highest Court.

It is interesting, Justice Stevens and I both came to Washington in the wake of the Watergate scandal in 1975. President Ford was impressed by Justice Stevens' anticorruption record, including his investigation of two Illinois Supreme Court Justices who were charged with accepting bribes. His confirmation to the Supreme Court was the first of a dozen Supreme Court nominations I have considered and voted on in my years in the Senate. As a young freshman Senator, it was my privilege to support his confirmation in 1975. Incidentally, he was nominated by a Republican President and considered by an overwhelmingly Democratic Senate. From the time he was nominated until the time he was confirmed unanimously, it was 2½ weeks.

Justice Stevens is the only sitting Justice with Active military service during wartime. He is the last Justice from the "Greatest Generation." He has never turned away when the Nation sought his service. He worked as a Navy intelligence officer during World War II, and that earned him a Bronze Star.

Justice Stevens' unique and enduring perspective is irreplaceable; his stalwart adherence to the rule of law is unparalleled. The Federal judiciary and indeed the entire Nation will miss his principled jurisprudence. Today, as he marks another milestone with the celebration of his 90th birthday, and as we continue to honor his legacy, I want to mention just a few of his most notable opinions.

During my 35 years in the Senate, I have submitted briefs to the Supreme Court in only a few cases. The most recent case was very important to me. It involved a Vermont musician named Diana Levine.

Ms. Levine was forced—remember, she is a musician—she was forced to endure the amputation of her arm after she was injected with a drug to treat nausea. The drug maker failed to include critical information on its warning label that could have saved Ms. Levine's arm, and she ultimately sued the

drug maker for this failure. A Vermont jury awarded Ms. Levine damages for the injuries that forever altered her life and career. Justice Stevens wrote the Court's opinion in that important case. He concluded that Food and Drug Administration approval of a drug for sale does not prevent that corporation from being held accountable under State consumer protection laws. In Ms. Levine's case, a Vermont jury heard all the facts and determined that the corporation had improperly labeled its product and failed to warn about the risks of injecting the drug. Justice Stevens' opinion in the Levine case ensured that millions of Americans who rely on pharmaceuticals will be protected by their own state laws, and will not be denied access to justice if they are injured. Although most Americans never expect that they will need to go to court, the right to do so is enshrined in our Constitution. Justice Stevens wrote a similarly compelling decision for the Court in a case called *Tennessee v. Lane*.

Justice Stevens has written important opinions in cases in which the Supreme Court has upheld the power of Congress to pass legislation that protects the Americans we represent. He has brought to his opinions a keen understanding of the distinct roles set forth in our Constitution for courts and for the democratically elected Congress. He has maintained a fervent respect for both.

In *Gonzales v. Raich* and in *Tennessee v. Lane*, Justice Stevens authored the Supreme Court's opinions upholding the actions of Congress to protect Americans. I suspect these precedents will be even more important as the Supreme Court continues to examine laws passed by Congress to protect Americans from discriminatory health insurance policies and fraudulent Wall Street practices.

Justice Stevens has also written important decisions that involve the enforcement of laws duly passed by Congress. He authored a powerful opinion for the Court in one of the most important environmental protection decisions in recent memory. In *Massachusetts v. EPA*, the Court concluded that the Environmental Protection Agency had to live up to its name and mission in implementing the Clean Air Act, despite the Bush administration's refusal to do so. Justice Stevens wrote: "Because greenhouse gases fit well within the Clean Air Act's definition of air pollutant we hold that EPA has the statutory authority to regulate the emission of such gases from new motor vehicles." The Court rejected the Bush administration's rationale for refusing to enforce the law. The Nation will be better served for that decision.

Some of the most important cases decided by this Supreme Court in the last decade have involved the limits of Presidential power in time of war, and Justice Stevens has left his mark on many of them. His experience serving this country in wartime no doubt con-

tributed to his understanding. I said earlier that he is the only member of the Supreme Court who has served his country in wartime in the military. In *Rasul v. Bush*, the Court held that our Federal courts have jurisdiction over detainees held by the Government, even though they are not citizens of the United States. A few years later, Justice Stevens wrote for the court in *Hamdan v. Rumsfeld*, and concluded that our Government has to follow our laws, including the Geneva Conventions, in trying prisoners detained at Guantanamo Bay. At their core, these decisions upheld the notion that the rule of law applies even in a time of war—something the Founders of this country believed.

As the most senior Justice on the Court, Justice Stevens has the authority to write the opinion of the Court when the Chief Justice is in dissent. In two of the most important civil rights cases of the decade, *Grutter v. Bollinger* and *Lawrence v. Texas*, Justice Stevens extended the privilege of the writing the majority opinion to other Justices. In *Grutter*, the Court upheld the University of Michigan Law School's admissions policy in an opinion by Justice Sandra Day O'Connor. Justice Stevens joined that opinion, which recognized a compelling educational interest in racial diversity. In *Lawrence v. Texas*, the Court held that consensual sexual conduct was protected by the Constitution from government intrusion. The majority opinion, in which Justice Stevens joined, was written by Justice Anthony Kennedy. The impact of these two rulings on hardworking Americans was immediate; I hope they will endure.

A decade ago, the Supreme Court unnecessarily waded into the political thicket to determine the outcome of the 2000 Presidential election. In a scathing dissent, Justice Stevens lamented that the decision would damage the Court's reputation as impartial. Of course, he was right, and it did damage the Court's reputation. He had noted, and I quote:

Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law.

He was right to speak so critically of what was a blatant political decision.

While the public's memory of that politically charged decision finally began to recede, the Supreme Court again opened the floodgates, issuing its latest election-related decision in the *Citizens United* case. In *Citizens United*, five Justices with the stroke of a pen overturned a century of law to permit corporations to overwhelm and distort the democratic process. Those five justices substituted their own preferences for that of Congress, which had built on decades of legal development to pass bipartisan campaign finance reform legislation after an open and extensive debate. In order to reach its di-

visive decision granting corporations, banks, and insurance companies rights that were once reserved for individual Americans, the Court overstepped the proper judicial role, and rejected not just the conclusions of the elected branches, but also its own recent precedent upholding the very same law it now overturned. In what may be his most powerful dissent, Justice Stevens noted that the "Court's ruling threatens to undermine the integrity of elected institutions across the nation. The path it has taken to reach its outcome will, I fear, do damage to this institution."

I agree with Justice Stevens in both of these dissents. I join him in his concern for the Court's reputation. Two of the three branches of government are involved in campaigns and elections. When the American people see the courts reaching out to influence those elections, they rightly get suspicious of its impartiality.

While I supported his confirmation, as I said before, as a very junior, very new Senator, I have not always agreed with Justice Stevens. But my admiration for his service is not based merely on the results of the cases that came before him, nor solely on his judgment or his forthrightness, but, rather, also on the manner in which he approached the law and his vigilant concern for public confidence in our courts.

If we lose that public confidence in our Court, we lose one of the greatest mainstays of our democracy. If a society does not have confidence in the integrity and the independence of their courts, there is no way they can maintain a democracy, there is no way they can maintain a check and balance.

I have always respected the way in which Justice Stevens has conducted himself as a Justice and the way he has explained his conclusions. He and I share a view of government transparency that is a vital element of our democracy. No one can question Justice Stevens' integrity, nor his dedication to public service.

Today, I join a grateful nation in wishing Justice John Paul Stevens a very happy 90th birthday. We are indebted to him for his service. I hope the next nomination to the Supreme Court will honor his extraordinary legacy.

The choice of a Supreme Court nominee is one of the most important and enduring decisions any President can make. A year before he died, President Gerald Ford wrote this about Justice Stevens: "I am prepared to allow history's judgment of my term in office to rest (if necessary, exclusively) on my nomination 30 years ago of John Paul Stevens to the U.S. Supreme Court." What a tribute. No doubt every President would want to be able to say that about the quality of his Court selections.

The law is not a game to be played or a puzzle to be solved. The law is intended to serve the people—protecting the freedom of individuals from the

tyranny of government or the mob, and helping to organize our society for the good of all. No Justice should substitute his or her personal preferences and overrule congressional efforts to protect hardworking Americans pursuant to our constitutional role.

I am looking forward to meeting with President Obama tomorrow to discuss his selection of a nominee to succeed Justice Stevens. Then, and in any private discussions, I will suggest that he pick someone who approaches every case with an open mind and a commitment to fairness. Someone who will heed the Vermont marble inscribed above the entrance of the Supreme Court which pledges "Equal Justice Under Law." Someone like Justice John Paul Stevens.

EQUAL PAY DAY

Mr. LEAHY. Mr. President, today is Equal Pay Day: After 16 months of work, professional women today will finally have earned what their male counterparts earned in just 12 months of work last year. It is shameful that gender discrimination still exists in our country, and I hope today will serve as an important reminder that we must redouble our efforts to fully close the wage gap.

Forty-six years have passed since the Equal Pay Act was enacted, yet the disparity between women's and men's salaries stubbornly remains. Congress passed title VII of the Civil Rights Act to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or national origin. Unfortunately, a narrow ruling by the Supreme Court in 2008 meant that those who are subject to pay discrimination have no claim to remedies unless a suit is filed no more than 180 days after the pay discrimination first takes place, even if they were unaware of the discriminatory pay. This ruling eroded longstanding interpretation of discrimination laws and created a new obstacle for victims of pay discrimination to receive justice.

Last year, the new Congress achieved what could not be done before: We enacted the "Lilly Ledbetter Fair Pay Act", which I was proud to cosponsor with Senators MIKULSKI, KENNEDY and others. This bill restored victim's ability to file suit for pay discrimination and became the first bill President Obama signed into law. Lilly Ledbetter, the courageous woman who was the subject of decades of pay discrimination, continues to fight to ensure other women do not experience the same wage disparity she did for so many years. Lilly visited Vermont last fall as the keynote speaker at the Women's Economic Conference I host every year. Vermonters who attended that conference have written me and stopped me in the street to tell me how much her story meant to them. I hope Lilly continues to speak to inspire thousands more women to pursue pay equity.

The "Lilly Ledbetter Fair Pay Act" was an important first step in supporting equal pay for equal work, but our efforts must not stop there. Today, women are still paid just 77 cents on average for every dollar a man makes. Over the course of a woman's career, the pay gap will mean between \$400,000 and \$2 million in lost wages. Eight years ago Vermont acted to pass an equal pay act, which prohibits paying female or male workers differently for equal work that requires equal skill, effort, and responsibility under similar working conditions. Now in Vermont, employers cannot require wage non-disclosure agreements and employees are protected from retaliation for disclosing their own wage. As a result, Vermont leads the country in having one of the narrowest wage gaps between women and men. Today, in celebration of Equal Pay Day, Vermont's Business & Professional Women and the Vermont Commission on Women will join their member organizations at the Vermont State House for a proclamation signing and discussion of important issues relative to women.

Two bills awaiting action in the Senate include provisions similar to those enacted in Vermont. The "Paycheck Fairness Act", originally introduced by Senator Clinton, of which I am an original cosponsor, creates stronger incentives for employers to follow the law, strengthens penalties for equal pay violations, and prohibits retaliation against workers for disclosing their own wage information. This bill passed the House with bipartisan support more than a year ago and deserves action in the Senate. The "Fair Pay Act", introduced by Senator HARKIN—another bill that I cosponsor—requires employers to pay equally for jobs of comparable skill, efforts and working conditions and requires employers to disclose pay scales and rates for all job categories at a given company. To effectively close the wage gap we must address the systemic problems that are resulting in pay disparities. I believe both these bills are essential steps to closing the wage gap.

This is not a Democratic or Republican issue but an issue of inherent fairness. Sadly, wage discrimination affects women of every generation and every socioeconomic background and is not limited to one career path or level of education. We should pass the "Paycheck Fairness Act" and the "Fair Pay Act" and work toward other solutions to ensure our daughters and granddaughters are not subject to the same discrimination that has burdened American women for decades.

Ms. MIKULSKI. Mr. President, I rise today to bring attention to Equal Pay Day. It is today, April 20, that represents how long women had to work into 2010 to earn what men made in 2009. It is an unfortunate occasion.

Women make this country run—we are business leaders, entrepreneurs, politicians, mothers and more. But we earn just 78 cents for every dollar our

male counterpart makes. Women of color get paid even less.

As a U.S. Senator, I am fighting for jobs today and jobs tomorrow. I am on the side of a fair economy and I am the side of good-guy businesses. We need an economy that works for everyone.

I was proud to sponsor the Lilly Ledbetter Fair Pay Act in the Senate, and even prouder to stand next to President Obama as he signed his first bill into law. This law overturns the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co.* so that the laws against pay discrimination apply to every paycheck or other compensation a worker receives. This protects victims of discrimination and allows them to file a lawsuit any time that they find they have been treated unfairly.

But more needs to be done. The next step is the Paycheck Fairness Act. This bill will help close the wage gap between men and women. It will help empower women to negotiate for equal pay, create strong incentives for employers to obey the laws already in place, and strengthen enforcement.

It is time to recommit to closing the wage gap. From the day I first entered Congress I have worked hard to guarantee equality to everyone under the law. I firmly believe that all forms of discrimination should be prohibited. I believe people should be judged by their individual skills, competence, unique talents and nothing else. And once you get that job because of your skills and talents you better get equal pay for equal work. It is time to tell all of those who have suffered wage discrimination—it is a new day.

Mr. HARKIN. Mr. President, today Americans are observing Equal Pay Day. It is the date that marks the 110 extra days that women must work into 2010 in order to equal what men earned in 2009.

In 1963, responding to the fact that the 25 million female workers in our workforce earned just 60 percent of the average pay for men, Congress enacted the Equal Pay Act to end this brazen yet widely tolerated discrimination.

Over the past 47 years, we have made progress towards the great goal of equal pay for women. But, progress has been stalled in the last decade. As we observe Equal Pay Day this year, it is a sad fact that too many women in this country still do not get paid what men do for the exact same work. On average, a woman makes only 77 cents for every dollar that a man makes. The circumstances are even worse for Latinas and women of color.

This is wrong and unjust. But, even more, it threatens the economic security of our families. Millions of Americans are dependent on a woman's paycheck just to get by, put food on the table, pay for child care, and deal with rising health care bills. Two-thirds of mothers bring home at least a quarter of their family's earnings. In many families, the woman is the sole breadwinner. And, during the latest economic downturn, more men have lost