

“(3) EXEMPTION FROM BED LIMITATION.—For purposes of this section, no acute care inpatient bed shall be counted against any numerical limitation specified under this section for such a bed (or for inpatient bed days with respect to such a bed) if the bed is provided for an individual who is a veteran and the Department of Veterans Affairs referred the individual for care in the hospital or is coordinating such care with other care being provided by such Department.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cost reporting periods beginning on or after the date of the enactment of this Act.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 37. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

#### TEXT OF AMENDMENTS

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On page 7, strike lines 11 through 20 and insert the following:

#### SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—This Act, and the amendments made by this Act, take effect on the date of enactment of this Act, except as provided in subsection (b).

(b) CLAIMS.—This Act, and the amendments made by this Act, shall apply to each claim of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, if—

(1) the claim results from a discriminatory compensation decision, and

(2) the discriminatory compensation decision is adopted on or after that date of enactment.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to

meet during the session of the Senate on Thursday, January 22, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 22, 2009, at 9:30 a.m.

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “What States are Doing to Keep us Healthy” on Thursday, January 22, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, January 22, 2009 at 10 a.m.

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

#### UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that on Monday, at 4 p.m., the Senate proceed to Executive Session to consider the nomination of Calendar No. 3, Timothy Geithner to be Secretary of the Treasury; that there be 2 hours of debate with respect to the nomination, equally divided and controlled between the chair and the ranking member of the Finance Committee or their designee; that at 6 p.m., with no intervening action or debate, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table; that there be no further motions in order, the President be immediately notified of the Senate’s action and the Senate resume legislative session.

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

#### UNANIMOUS-CONSENT AGREEMENT—H.R. 2

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Geithner nomination and resuming legislative session, the Senate proceed to Calendar No. 18, H.R. 2, the Children’s Health Insurance Program Improvements Act.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR— NOMINATION’S DISCHARGED

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider Calendar Nos. 1, 2, 4 and 5, and that the Banking Committee be discharged of PN64-4, PN65-14; that the Commerce Committee be discharged of PN64-10; that the Senate proceed to their consideration, en bloc; that the nominations be confirmed, and the motions to reconsider be laid upon the table, en bloc; that no further motions be in order, and any statements relating to the nominations be printed in the Record; that the President be immediately notified of the Senate’s action and the Senate return to Legislative Session.

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

The nominations considered and confirmed en bloc are as follows:

##### DEPARTMENT OF STATE

Susan E. Rice, of the District of Columbia, to be the Representative of the United States of America to the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

Susan E. Rice, of the District of Columbia, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations.

##### ENVIRONMENTAL PROTECTION AGENCY

Lisa Perez Jackson, of New Jersey, to be Administrator of the Environmental Protection Agency.

##### EXECUTIVE OFFICE OF THE PRESIDENT

Nancy Helen Sutley, of California, to be a Member of the Council on Environmental Quality.

##### HOUSING AND URBAN DEVELOPMENT

Shaun L.S. Donovan, of New York, to be Secretary of Housing and Urban Development.

##### SECURITIES AND EXCHANGE COMMISSION

Mary L. Schapiro, of the District of Columbia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2014.

##### DEPARTMENT OF TRANSPORTATION

Ray LaHood, of Illinois, to be Secretary of Transportation.

##### NOMINATION OF SHAUN DONOVAN

Mr. DODD. Mr. President, today we are considering the nomination of Mr. Shaun Donovan, Commissioner of the New York City Department of Housing Preservation and Development to become the Secretary of the Department of Housing and Urban Development, HUD.

Mr. Donovan, has been nominated for a job fraught with significant challenges yet, for that very reason, imbued with great opportunities.

For the past 3 or 4 years, the country has been facing a growing housing

problem that had its origins in the scourge of predatory lending that has resulted in record high foreclosure rates.

This housing crisis has been a primary cause of the deepening recession to which none of us are immune. Across the country, between 9,000 and 10,000 homeowners face foreclosure every day. Foreclosures in my State were up over 71 percent since last year, and it is expected that we will have more than 13,000 subprime foreclosures in the next two years. Nationwide, cities such as Bridgeport, which had inordinately high rates of subprime loans, are struggling to keep themselves afloat as those loans reset one-by-one and families find themselves with nowhere to turn.

I recently met with leaders in my State where I heard about the toll this crisis is taking on our minority communities. Some say this crisis will result in a net loss in homeownership rates for African Americans, wiping out a generation of wealth, gains and opportunities.

But let there be no doubt that this crisis today affects every American in one way or another. In all, by some counts, we can expect some 8 million homes to go into foreclosure absent some form of additional action.

Unfortunately, the previous administration was slow to acknowledge the housing problem, and when it finally did, timid in its response. Even as we witnessed foreclosures tear apart neighborhoods and wreak havoc upon our economy, the Administration refused to use the authority or funds we gave it in the Emergency Economic Stabilization Act to tackle the foreclosure crisis head on—despite the Congress's crystal clear intent in writing that law.

Surprisingly—and unfortunately, in my opinion—HUD has not played a central role in addressing the housing crisis. Frankly, it has been, to quote *National Journal*, “at best, a second string player . . .” following in the wake of other government departments with far less expertise in housing than the professionals at HUD (January 10, 2009).

Indeed, as the cover page of *CQ Weekly* says, “The housing crisis remains at the core of the economy’s woes . . .” (January 12, 2009).

Put simply, we cannot address our economic crisis until we address the underlying housing crisis.

And to do that, we need an active, aggressive, and well-run HUD with leadership that is confident in its mission and unafraid to act. As President Obama has himself said, “HUD’s role has never been more important.”

Unfortunately, HUD has been mismanaged and ridden with scandal in the last several years. Let me be clear that these problems did not arise under the able leadership of our colleague, then-Secretary Martinez. I would also say that in recent weeks, Secretary Preston has made some improvements.

But fundamentally, HUD has been left adrift at a time when bold leadership and a clear direction were never more important.

Just a week or two ago, we learned about the Wrights—a middle-class family in Windsor, Connecticut in danger of losing their home. Like thousands of families across the country, the Wrights were lured into a mortgage they were assured they could afford but couldn’t—not because they acted irresponsibly but because they became pregnant with their second child, and Mrs. Wright ran out of the paid sick time she was afforded as a teacher.

This is the kind of story being repeated in every community across America today. With the right leadership, I believe HUD can be an effective partner in helping families like the Wrights. That is the opportunity Mr. Donovan has—to restore HUD as a leading voice in addressing the crisis facing our country today.

I would say to my colleagues that Mr. Donovan is the most experienced nominee for HUD secretary that Senate has considered in my long experience. In addition to his degrees in architecture and public administration from Harvard, Mr. Donovan has run the multifamily program at the Federal Housing Administration and was, for a time, the Acting Housing Commissioner. He has worked in the private nonprofit sector as a housing developer and he has worked as a managing director of a large, multi-family mortgage company.

Since 2004, Mr. Donovan has been the commissioner of New York City’s Department of Housing Preservation and Development. In that role, he managed 2,800 employees and helped develop and manage Mayor Bloomberg’s “New Housing Marketplace Plan,” one of the most ambitious local housing plans in the nation. The \$7.5 billion plan calls for the creation or preservation of 165,000 units of affordable housing, about half of which has been accomplished to date.

Beyond the statistics and the numbers that so dramatically underscore Mr. Donovan’s accomplishments, I want to welcome him for the kind of leadership and vision I am confident he will bring to the Department at a time when such leadership is needed so desperately.

For example, as early as 2004, long before most of the rest of the country was focused on the subprime crisis and the foreclosures they would lead to, Mr. Donovan told a *Newsday* reporter that he was worried about the coming “flood of foreclosures” and the impact it would have on homeowners and neighborhoods.

Mr. Donovan sees the role of HUD as being more than a caretaker for physical housing structures, or as a mortgage insurance company. He understands the danger of stove-piping within this arena, and sees HUD as the Federal Government’s primary tool to help build communities—an agency that

helps to provide housing opportunities for homeowners and for renters along a spectrum of incomes and ages. He understands the need to coordinate housing with transportation, including public transportation and transit, to improve access to jobs and other economic opportunities—and we need someone with that vision at the helm.

Finally, Mr. Donovan is a man of the utmost integrity who has shown a proven ability to work constructively with all interested parties. His nomination is being supported, enthusiastically, I want to add, by a wide variety of housing groups, from the Realtors, to the Homebuilders, to the Low Income Housing Coalition, to many nonprofit organizations and many, many others.

I want to express my thanks to Mr. Donovan for the leadership he will bring to this critically important department and, more importantly, the hope he will offer to millions of families at this uncertain moment.

I urge my colleagues to support the nomination of Mr. Donovan to be Secretary of the Department of Housing and Urban Development.

#### CONFIRMATION OF RAYMOND LAHOOD

Mrs. HUTCHISON. Mr. President, I come to the Floor today as the ranking member of the Senate Commerce, Science and Transportation Committee in support of the nomination of Raymond LaHood to be the 16th Secretary of Transportation.

As a former 7-term Member of Congress representing the 18th District of Illinois, and a former member of the House committee on Transportation and Infrastructure, Congressman LaHood is well-qualified for this position.

This week, the Commerce Committee held a full committee hearing to consider his nomination. To Congressman LaHood’s credit, and with the cooperation of Chairman ROCKEFELLER, our committee quickly discharged his nomination in order to fill this important Cabinet position.

I am pleased that our committee moved expeditiously on Congressman LaHood’s nomination and I am hopeful the full Senate will move just as quickly.

As my colleagues know, the range of problems confronting the new Secretary of Transportation are amongst the most difficult that any new department leader has faced in quite some time.

In a few short months, important policy, budgetary and regulatory decisions will need to be made on several transportation and infrastructure issues. I am confident that Congressman LaHood is up to the task and will hit the ground running.

As my colleagues know, the existing highway program expires at the end of September. Until then, Congress and the new administration will have to work very hard on a reauthorization. This will be a very difficult process due

to the current fiscal state of the highway trust fund and because of the current formula's disparate treatment between the States.

In addition, we desperately need to create stability in our aviation infrastructure programs by passing a full fiscal year 2009 FAA extension, along with completing a multiyear FAA Authorization bill. I have encouraged Representative LaHood to support a full fiscal year extension of the current FAA Reauthorization bill, through September 30, 2009, along with committing to work with him on a new FAA Authorization bill.

Without congressional and administration cooperation, the FAA's plan to modernize our air traffic control system—known as NextGen—could squander precious time and resources. Our Nation's skies and airports are severely congested; we need a Secretary in place immediately to oversee and manage the funding, implementation, and transition to NextGen.

I am also confident the DOT will have a renewed focus and appreciation for our Nation's Amtrak and high speed rail system. This is an area we have neglected too long. While the Amtrak reauthorization that was just signed into law was an important step, we need strong leadership at the Department to ensure that we have a national passenger rail system that works. Congressman LaHood is a strong advocate for Amtrak and I look forward to working with him to implement the priorities of that important legislation.

I encourage my colleagues to support Representative Hood's nomination.

Mr. DURBIN. Mr. President, one of the nominations just confirmed was that of Ray LaHood, former Congressman from the State of Illinois who, by this action, will become our next Secretary of Transportation in the Obama Cabinet. It was my great honor to introduce Congressman LaHood to the Senate Commerce Committee yesterday, along with former House Republican Leader Bob Michel. I had asked President Obama to consider this nomination because of my high regard for Ray LaHood, both personally and politically.

We served together for many years. He has represented my hometown of Springfield. Despite our clear partisan differences, we have become not only fast friends but real allies. Ray LaHood is an extraordinary person. Born and raised in Peoria, IL, he served as a schoolteacher before coming to work for Bob Michel in Washington, where he served as his chief of staff. He then succeeded Bob Michel as a Congressman from the district which had Peoria as its major city and proceeded to represent large portions of north central Illinois and most of the former congressional district of former Congressman Abraham Lincoln.

Ray LaHood is a person whom I not only respect but like very much. His word is good. He is a hard worker. He

has the right values and politics. When politics in Washington became so corrosive and divisive, Ray LaHood led an effort in the House to establish dialogue between Democrats and Republicans. When I have worked with him on issues such as the Abraham Lincoln Presidential Library in Springfield, the future of the 183rd Air National Guard unit in Springfield's capital airport, and a variety of other issues, I have found him to be hardworking, diligent, and committed to the public good.

I believe President Obama has made an extraordinarily good choice for Secretary of Transportation. It is a department which will be very busy because the new Recovery and Reinvestment Act understands that we need new bridges, roads, airports, and mass transit so that America's economy can get back on track and grow. Ray LaHood is a great person to be heading up that department.

His wife Kathy and family were with him yesterday before the Commerce Committee. They are a great group. He is very proud of his children and should be. They have done extraordinarily good things in their lives as well. I am glad we moved quickly on this nomination for Ray LaHood as Secretary of Transportation. I know he is probably following this proceeding, and I wish him the very best. I know he is going to be exceptional in his service not only to President Obama in the Cabinet but also to the United States of America.

#### UNANIMOUS CONSENT AGREEMENT—S. RES. 18

Mr. DURBIN. Mr. President, I ask unanimous consent that with respect to S. Res. 18, the following be the order of listing:

Rules: names will be listed as: SCHUMER, DODD, BYRD, INOUE, FEINSTEIN, DURBIN, NELSON of Nebraska, MURRAY, PRYOR, UDALL of New Mexico, WARNER; Small Business: the last two names appear SHAHEEN and HAGAN.

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

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senator as a member of the Commission on Security and Cooperation in Europe during the 111th Congress: the Senator from Maryland, Mr. CARDIN.

The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senator as Chairman of the Commission on Security and Cooperation in Europe during the 111th Congress: the Senator from Maryland, Mr. CARDIN.

The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, appoints

the Senator from Mississippi, Mr. COCHRAN, as a member of the Board of Regents of the Smithsonian Institution for the 111th Congress.

#### ORDERS FOR MONDAY, JANUARY 26, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. Monday, January 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each; further, that at 4 p.m. the Senate proceed to executive session as under the previous order.

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

#### PROGRAM

Mr. DURBIN. Mr. President, under the previous order, at 6 p.m. Monday the Senate will proceed to a rollcall vote on the confirmation of the executive nomination of Timothy Geithner to be Secretary of the Treasury.

#### ADJOURNMENT UNTIL MONDAY, JANUARY 26, 2009, AT 2 P.M.

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Monday, January 26, 2009, at 2 p.m.

#### DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

RAY LAHOOD, OF ILLINOIS, TO BE SECRETARY OF TRANSPORTATION.

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

SHAUN L. S. DONOVAN, OF NEW YORK, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.  
MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2014.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, January 22, 2009:

#### DEPARTMENT OF STATE

SUSAN E. RICE, OF THE DISTRICT OF COLUMBIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE