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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, January 29, 2010, at 12 noon.

Senate

THURSDAY, JANUARY 28, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

PRAYER

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

Let us pray.

For the beauty of the Earth, robed in the garb of providential love, we raise our morning hymn of praise.

Today, give our Senators vivid vision to know Your will and to follow Your leading. Lord, inspire them to engage in selfless service with courage and compassion, fulfilling their call to be instruments of Your glory. In these challenging times, drive them to their knees for the inner strength that will keep their faith from faltering when pressured. Provide them with the strengthening joys of Your spirit and the newness of life that only You can give.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL F. BENNET 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 28, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BENNET 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, there will be a period for the transaction of morning business for 1 hour. The time will be controlled by the two leaders or their designees. Senator SANDERS is going to control 15 minutes of the majority time. We have a half hour. So he will have 15 minutes of that time.

Following morning business, the Senate will resume consideration of H.J. Res. 45, the debt limit legislation, and proceed to a series of votes in relation to the following items: Brownback amendment; Sessions/McCaskill amendment; Reid amendment; Baucus for Reid amendment; and passage of H.J. Res. 45.

Following those votes, there will be 1 hour of debate prior to a cloture vote on the nomination of Ben Bernanke to be Chairman of the Board of Governors of the Federal Reserve. We are going to try to see if we can work with both Democrats and Republicans to have more time to debate prior to a vote on Ben Bernanke. If we can work that out, we will have an extended period of time, whatever Senators want, prior to Mr. Bernanke, and then we would have cloture and perhaps final passage. We don't have that worked out. At least the order before the Senate is that following the series of five votes, there will be an hour of debate prior to a cloture vote on Ben Bernanke.

Mr. President, I see the distinguished Judiciary chairman here. We have a half hour of time, and I will be happy to give to my friend whatever time he desires.

How much time does my friend need? Mr. LEAHY. Ten minutes.

Mr. REID. Ten minutes to the chairman of the Judiciary Committee, PAT LEAHY. I have already indicated Senator SANDERS will have 15 minutes of our time.

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

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



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S273

of morning business for 1 hour, with the time equally divided between the two leaders or their designees, with the Senator from Vermont, Mr. SANDERS, controlling 15 minutes of the majority time.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my good friend from Nevada, the majority leader. Before I speak, I see the distinguished Republican leader. I will reserve my time and allow him to speak, of course.

RECOGNITION OF THE MINORITY LEADER

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

JOB GROWTH

Mr. MCCONNELL. Mr. President, I thank my friend from Vermont. I hope I will not inconvenience him. I have a very short opening statement. I thank him for giving me the opportunity to make this statement.

As always, we appreciate the President coming to the Capitol last night. I take him at his word when he says he wants to work with us on issues that benefit the Nation and in particular to grow jobs. I would like to speak this morning about two areas in particular that meet the criteria of bipartisan achievements and job growth—agreements to increase our exports and finding more American energy. Those are two areas upon which we ought to be able to find bipartisan agreement.

The President called for increased exports and for the Congress to pass trade agreements that have languished under the current majority in the Senate. Republicans agree with the need to increase trade and with the need to ratify trade agreements with Colombia and other important trading partners that so far have met resistance on the other side of the aisle. We also support passing a sensible bill to help Pakistan establish reconstruction opportunity zones that actually increase trade and do not impose self-defeating restrictions. We agree with the President's call to pass these agreements. We agree that these agreements will lead to more American jobs. The Congress should act on these agreements.

The President also called for producing more American energy. This is an area with a huge opportunity for American jobs that cannot—cannot—be sent overseas. We agree with his call for more clean energy produced here in America. We agree with his call for building more nuclear plants. We agree with his call for increased offshore exploration for oil and gas. We agree with his call for development of clean coal technologies. We should build a new generation of clean nuclear plants in this country. Senate Republicans support building 100 new plants as quickly as possible. We hope Democrats will join us in that effort, particularly now

with the President's call to action. The President could start by moving forward on the nuclear loan guarantee program that was included in the bipartisan 2005 Energy bill. He could also put forward a plan for dealing with the waste that comes from these plants in a safe and secure manner.

The President and I agree on the need to meet in the middle to find bipartisan agreement to grow jobs. I have outlined two specific areas where the President and Republicans in Congress agree. We know that increased American energy, without a new national energy tax, will grow good jobs. We know that increasing markets for our farmers, entrepreneurs, and manufacturers overseas through trade agreements will grow good jobs. We can get these done, and I hope the President will join us in calling on the majority to bring these issues to the floor in the Senate.

One thing we had hoped to hear more about from the President last night was the administration's handling of the attempted Christmas Day bombing. After 9/11, all Americans recognized the need to create and coordinate myriad tools of defense, security, and intelligence to protect us from future attacks. That is why Americans are so troubled by the fact that the administration seems to have lost sight of this essential requirement for national security out of a preoccupation with reading the Christmas Day bomber his Miranda rights. Apparently, there was little, if any, coordination among key components of the administration's national security apparatus on how to treat this terrorist who nearly killed 300 innocent people over Detroit on Christmas Day. Shockingly, the administration then made the hasty decision to treat him as a civilian defendant, including advising him of the right to remain silent, rather than as an intelligence resource to be thoroughly interrogated in order to obtain potentially lifesaving information.

Republicans have issued a letter to Attorney General Holder demanding answers to some of the vital questions that arise out of the administration's handling of this attempted attack. It is critical that Americans have a full and timely understanding of the policy and legal rationale upon which the ill-advised decision surrounding this narrowly averted calamity was made. Until these concerns are addressed, Republicans will continue to raise them on behalf of the American people.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand I have 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. Mr. President, I hope the American people watched and heard President Obama's speech last night and were reassured. I know I was. There are so many things that he covered, I will not try to repeat all of

them. I would like to expand on one of the very important matters he raised. On this, I will wear my hat as chairman of the Senate Judiciary Committee.

The Supreme Court's 5-to-4 decision last week in *Citizens United v. Federal Election Commission*. That decision threatens to allow corporations to drown out the individual voices of hard-working Americans in our elections. By overturning years of work in Congress, years of work by both Republicans and Democrats alike—campaign finance laws, and by reversing a century of its own precedent, the conservative, activist bloc on the Supreme Court reached an unnecessary and improper decision that is going to distort future elections. The *Citizens United* decision turns the idea of government of, by, and for the people on its head. It creates new rights for Wall Street at the expense of Main Street.

Congress, on behalf of the American people, struggled for years to enact campaign finance reform. Virtually every American wanted campaign finance reform. We finally did that in a bipartisan way in the landmark 2002 McCain-Feingold Act overcoming a filibuster and passing it with a bipartisan supermajority. This milestone campaign finance reform strengthened the laws, protecting the interests of all Americans by ensuring a fair electoral process. It was a matter of serious consideration by Congress, and was signed into law by President George W. Bush.

In the 2003 case *McConnell v. the Federal Election Commission*, the United States Supreme Court upheld the key provisions of the McCain-Feingold Act against a First Amendment challenge. That was consistent with 100 years of judicial precedent and law, including a longstanding criminal law prohibiting corporations from contributing to Federal election campaigns. We have long prevented corporate contributions to Federal campaigns, at least since the time of President Teddy Roosevelt. The prohibitions included in the Tillman Act were signed into law in 1907.

Now only 6 years after upholding 100 years of precedent, resolving the question in *McConnell*, and after a number of other Supreme Court opinions upholding these campaign regulations as needed to ensure fairness in elections, a thin majority of the Supreme Court, made possible by President Bush's appointment of Justice Alito, has thrown out important parts of the law, and they have run roughshod over a long line of longstanding Court precedent. This is a threat to the rule of law. It overrules congressional efforts to keep powerful, monied interests from swamping individual voices and interests. This decision puts the special interests of big oil, banks and insurance companies ahead of the interests of the American people, and it risks corrupting our political process. It shows no deference to Congress and no respect for the rule of law as reflected in