

- (A) caregiver education;
- (B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;
- (C) education and awareness programs for health care providers;
- (D) prevention of secondary complications;
- (E) home- and community-based interventions;
- (F) coordinating services and removing barriers that prevent full participation and integration into the community; and
- (G) recognizing the unique needs of underserved populations.

(c) **GRANTS.**—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) **COORDINATION OF ACTIVITIES.**—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there is authorized to be appropriated \$25,000,000 for each of fiscal years 2008 through 2011.

#### **TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION**

##### **SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.**

(a) **AUTHORITY TO DESIGN AND CONSTRUCT.**—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

##### **SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.**

(a) **AUTHORITY TO CONSTRUCT.**—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to

carry out this section a total of \$14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

##### **SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.**

(a) **IN GENERAL.**—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$12,000,000 to carry out this section. Such sums shall remain available until expended.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mrs. LINCOLN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### **LILLY LEDBETTER FAIR PAY ACT OF 2009—MOTION TO PROCEED**

##### **CLOTURE MOTION**

The PRESIDING OFFICER. Under the previous order, there is 4 minutes equally divided between Senators MIKULSKI and ENZI.

Ms. MIKULSKI. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I rise to urge my colleagues, on a bipartisan basis, to vote for the legislation that is pending, which is the cloture motion on the motion to proceed to the Lilly Ledbetter Act. The reason we are advocating cloture on the motion to proceed is that we do not have to filibuster this bill because we guarantee an open process, that Senators will be able to offer amendments. We will be able to debate with civility and comity, arrive at good ideas, consider all good ideas and so on, so we do not need to filibuster. Second, we do not need to delay. We need to vote for the motion to proceed because that is what the American people are telling us to do. Much is talked about economic stimulus, but if you want to help women, let's start paying them equal pay for equal or comparable work. That is what the Lilly Ledbetter bill will ensure. It will restore the law to the way it was before the Supreme Court decision on Ledbetter v. Goodyear.

One of the objections to the bill is that the Ledbetter bill will trigger lawsuits. Nothing could be further from the truth because it did not trigger, open-ended, millions of lawsuits before the Supreme Court decision.

We need to act. It is great to talk about a stimulus bill, but the real stimulus is paying people for what they do. Madam President, you should know.

This is a very serious bill. I know what my colleagues are talking about is important, but women are waiting for us to act, so Senators, if they could wait a minute, we could move ahead.

The Supreme Court rule is that a pay discrimination lawsuit must be filed with the EEOC within 180 days of the initial decision to pay her less than men performing similar acts.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I have spent my 12 years in the Senate trying to work across the aisle, trying to get things to happen around here. I found the way things happen is, if they go through the whole process—

Ms. MIKULSKI. I say to the Senator, I am not done. I have not completed my statement.

Mr. ENZI. I think the Senator's time expired.

The PRESIDING OFFICER. The Senator's time had expired.

Ms. MIKULSKI. Madam President, first of all, I, of course, want to proceed in the spirit of comity. I lost my time because this place was so noisy. I couldn't talk because everybody else was talking. Frankly, I will be happy for my colleague to speak, but I am going to ask unanimous consent for an additional 4 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Madam President, reserving the right to object, our side would like the additional 4 minutes, then, as well.

The PRESIDING OFFICER. Is there objection? The Senator from Maryland has asked for an additional 4 minutes. Is there objection to that request?

The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, can we amend the request to allow both sides to have an equal amount of added time?

The PRESIDING OFFICER. That is the request. Is there objection to both sides receiving a total of 6 minutes on this matter?

Mr. CORKER. Reserving the right to object, what will happen to floor time thereafter? Where many of us have time to talk about TARP later on, will we still have that time set aside prior to the TARP vote at 4:30?

The PRESIDING OFFICER. This will take an additional 8 minutes from the time that is allocated for the TARP discussion, prior to the vote that is scheduled at 4:30.

Mr. VITTER. I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming has the floor at the current time.

Ms. MIKULSKI. May I ask the Senator from Wyoming for the ability to ask a unanimous consent request. I do not want to drag out the debate, but I would like to make a few points. What I would like to be able to do, with your concurrence, is just ask for 2 minutes and just have a little bit of say, but you have your 4 minutes.

Mr. ENZI. Madam President, I ask unanimous consent that the Senator from Maryland get an additional 2 minutes and I have 4 minutes.

The PRESIDING OFFICER. Is there objection to each side receiving a total of 4 minutes, an additional 4 minutes from the original? It is the total of an additional 4 minutes on the debate on this matter. Hearing no objection, the Senator from Maryland is recognized for an additional 2 minutes and the Senator from Wyoming will receive 4 minutes at the conclusion of the Senator's remarks.

Ms. MIKULSKI. I thank the Senator from Wyoming. That is the way we will proceed on this bill.

Madam President, we want to be able to proceed to this bill. I assure my colleagues we will have ample debate to consider any and all amendments, but I wish to be very clear that it is time to pass the Lilly Ledbetter bill itself. It is very important that we make sure we keep the courthouse door open for people to be able to file their claims where they believe wage discrimination exists.

Wage discrimination not only affects women, but it affects all who are discriminated against, and it is often minorities. We want to be sure we keep the courthouse door open. What we do is simply restore the law as it existed before the recent Supreme Court decision so that we make sure the statute of limitations runs from the date of the actual payment of a discriminatory wage, not just from the time of hiring. That means employees can sue employers based on each discriminatory act.

I will be yielding the floor, but before I do I am going to say once again—this Senate is not in order. It has been very disturbing and disrupting to stand up for something for which we have all been fighting so hard.

I yield the floor, but I am very frustrated about today.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I thank the Senator from Maryland for her concern and her effort on the bill she has put together. I am going to express my strong support for S. 166, which is the Hutchison alternative. It is our understanding that if we are allowed to proceed, there will be an open amendment process. I guess I am being asked by the leader to allow that to happen once, so that we can see whether it is actually going to happen. But I still wish to register my objection to the process we appear to be going through. I worked for 12 years to make this a more agreeable body, to work across the aisle.

We have moved, the HELP Committee—Health, Education, Labor, and Pensions Committee—from being the most contentious committee to being the most productive committee.

This bill should have gone through the committee process. We solve a lot of things, we shorten the debate on the floor, and we eliminate the need for all

of these cloture motions which result in hours and hours of time with no productivity. I think the American people want the productivity, and the reasoning that comes from the committee process that winds up with a very good product. We can have that on the labor issues, but they have to go through committees.

I yield the remainder of my time to the Senator from Texas.

Mrs. HUTCHISON. I thank the Senator from Wyoming.

I think it is very important that we deal with this issue on the promise that I will be able to offer my substitute because I believe it is a substitute that gives the right for an aggrieved employee to bring an action within a timeframe that is reasonable for the business to be able to plan.

I am a person who has known discrimination. I am also a former small business owner, and I know the importance of knowing what your liabilities are and having clarity. That is why in the law, in every cause of action, we do have statutes of limitation.

I look forward to debating with my colleague and friend, the Senator from Maryland, to try to come to the right conclusion on a bipartisan basis. I am going to vote for cloture on the promise that we will have an open debate on this issue and try to come to a conclusion.

The Senator from Wyoming makes a good point. For the future, I hope we will listen to what he is saying. Committees work around here. Committees are where you can do markups, where we work in a bipartisan way to make legislation better. We cannot write bills on the Senate floor. In the future, I hope all of us will work toward allowing the committee process to work. Today, we are going to take a leap of faith that we will have the amendments and that we will come to a good conclusion on this bill.

I yield the floor.

Ms. MIKULSKI. Madam President, the Senator from Texas and the Senator from Wyoming and all on the other side of the aisle have the assurance of both myself and the Democratic leadership that those amendments will be offered, and we look forward to a spirited and enthusiastic debate in a quiet Chamber of the Senate.

Mr. LEAHY. Madam President, today, the Judiciary Committee is conducting the confirmation hearing of Mr. Eric Holder to be the next Attorney General of the United States. One of the Justice Department's essential roles in our Federal system of government is to protect the civil rights of all Americans, including those that prohibit discrimination. The Bush administration's erosion of the Equal Employment Opportunity Commission's long held interpretation of our discrimination laws has created a new obstacle for victims of pay discrimination to receive justice. The Justice Department has advocated a position that has set back the progress we had made

toward eliminating workplace discrimination. This was a mistake. Unfortunately, five Justices on the Supreme Court adopted the Justice Department's erroneous interpretation of congressional intent. That decision necessitates our action here today. We must pass legislation so that employers are not rewarded for deceiving workers about their illegal conduct. Equal pay for equal work should be a given in this country.

I expect we will hear from some opponents of the bill that somehow this legislation will encourage workers who are being paid less as a result of discrimination to delay filing suit for equal pay. This argument defies logic. Anyone who heard Lilly Ledbetter's testimony last year before either the Senate Judiciary Committee or the Senate Heath, Education, Labor and Pensions Committee knows that Ms. Ledbetter, like other victims of pay discrimination, have no incentive to delay filing suit. In the wake of the Supreme Court's decision in Ledbetter, their employers now have a great incentive to delay revealing their discriminatory conduct—blanket immunity. The reality is that many employers do not allow their employees to learn how their compensation compares to their coworkers. Workers like Ms. Ledbetter and their families are the ones hurt by reduced paychecks, not their corporate employers. These victims have the burden of proving the discrimination occurred and that evidentiary task is only made more difficult as time goes on. The bipartisan Ledbetter Fair Pay Restoration Act of 2009 does not disturb the protections built into existing law for employers such as limiting back pay in most cases to 2 years. The legislation does not eliminate the existing statute of limitations. Instead, it reinstates the interpretation of when the 180 day time limit begins to run. In this way it allows workers who are continuing to be short-changed to challenge that ongoing discrimination when the employer conceals its initial discriminatory pay decision.

Opponents of the Fair Pay Restoration Act will no doubt raise even more absurd reasons for opposing equal pay for equal work. They will no doubt claim that somehow trial lawyers will benefit. The reality is that the Supreme Court's Ledbetter decision could actually lead to more litigation because workers will feel the need to file premature claims so that time does not run out. The Congressional Budget Office has concluded that this legislation "would not establish a new cause of action for claims of pay discrimination" and "would not significantly affect the number of filings with the Equal Employment Opportunity Commission" or with the Federal courts.

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 but the Supreme Court's

Ledbetter decision goes against both the spirit and clear intent of title VII of the Civil Rights Act. It also sends the message to employers that wage discrimination cannot be punished as long as it is kept under wraps. At a time when one-third of private sector employers have rules prohibiting employees from discussing their pay with each other, the Court's decision ignores a reality of the workplace—pay discrimination is often intentionally concealed.

As the executive director of the U.S. Women's Chamber of Commerce recently noted, "The Fair Pay Restoration Act rewards those who play fair—including women business owners—unlike the Supreme Court's decision, which seems to give an unfair advantage to those who skirt the rules." This legislation will encourage all corporations to treat their employees fairly.

Unfortunately, this bipartisan civil rights legislation was filibustered in the last Congress. Considering how deeply the recent economic downturn has affected American families, we cannot afford another filibuster of this common sense legislation. I am pleased to join Senators MIKULSKI, SNOWE, KENNEDY and others in pressing for the immediate passage of the Lilly Ledbetter Fair Pay Restoration Act of 2009.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:  
CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 14, S. 181, the Lilly Ledbetter Fair Pay Act.

Jim Webb, Benjamin L. Cardin, Richard Durbin, Barbara Boxer, Dianne Feinstein, Jeff Bingaman, Mary L. Landrieu, Tom Harkin, Hillary Rodham Clinton, Charles E. Schumer, Sheldon Whitehouse, Christopher J. Dodd, Maria Cantwell, Debbie Stabenow, Patty Murray, Bernard Sanders, Barbara A. Mikulski, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 181, the Lilly Ledbetter Fair Pay Act of 2009, shall be brought to a close? The yeas and nays are mandatory under the rule. This is a 10-minute vote.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The yeas and nays resulted—yeas 72, nays 23, as follows:

[Rollcall Vote No. 4 Leg.]

#### YEAS—72

Akaka	Feinstein	Murkowski
Alexander	Grassley	Murray
Baucus	Gregg	Nelson (FL)
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Pryor
Bennett	Hutchison	Reed
Biden	Inouye	Reid
Bingaman	Johnson	Rockefeller
Bond	Kerry	Salazar
Boxer	Klobuchar	Sanders
Burr	Kohl	Schumer
Byrd	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Specter
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Clinton	Lincoln	Udall (CO)
Collins	Martinez	Udall (NM)
Conrad	McCain	Voinovich
Corker	McCaskill	Warner
Dodd	McConnell	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wicker
Feingold	Mikulski	Wyden

#### NAYS—23

Barrasso	Ensign	Lugar
Brownback	Enzi	Risch
Chambliss	Graham	Roberts
Coburn	Hatch	Sessions
Cochran	Inhofe	Shelby
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter
DeMint	Kyl	

#### NOT VOTING—3

Brown	Bunning	Kennedy
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The PRESIDING OFFICER. On this vote, the yeas are 72, the nays are 23. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

#### DISAPPROVAL OF OBLIGATIONS UNDER THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of S.J. Res. 5, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 5) relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008.

The PRESIDING OFFICER. Under the previous order, the time until 4:30 shall be equally divided and controlled. The Senator from South Dakota.

Mr. THUNE. I ask unanimous consent that the following be the speakers on the Republican side—that no Republican Senator be recognized for more than 10 minutes, and that any remaining time be allocated to Senator VITTER: Senators DEMINT, SESSIONS, CORKER, ENZI for up to 5 minutes, BROWNBACK, INHOFE, GREGG, KYL, SHELBY, BOND for up to 5 minutes, and HUTCHISON for up to 2 minutes.

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

The Senator from Oregon.

Mr. WYDEN. Madam President, I ask unanimous consent to speak as in morning business and have that time charged to our side as part of the TARP legislation.

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

#### OREGON PUBLIC LANDS

Mr. WYDEN. Madam President, the outdoors is a great passion for the people of Oregon, and it is truly a good day for Oregonians. The Omnibus Public Land Management Act contains protection for a number of our special places, our treasures; in the case of Mount Hood, an Oregon icon that is revered by our people.

I serve as chairman of the Subcommittee on Public Lands and Forests. I know how important these public lands bills are. The fact is, they are of special benefit from a moral perspective. What we are doing is guaranteeing that these beautiful lands can be passed on to future generations. But they also help fuel our economic engine. The reality is, the protection for the great outdoors boosts our effort to promote recreation which is increasingly a major source of employment.

I want to take a few minutes to discuss the five pieces of wilderness legislation I was heavily involved in. Many other Oregonians were as well, countless Oregonians. I also give special thanks to Senator Gordon Smith who contributed mightily to this effort, working with me on this legislation and this package for many years.

The legislation passed includes seven key bills I sponsored. The five that add wilderness include: the Lewis and Clark Mount Hood Wilderness Act of 2007; the Copper Salmon Wilderness Act; the Cascade Siskiyou National Monument Voluntary and Equitable Grazing Conflict Resolution Act; the Oregon Badlands Wilderness Act of 2008; and the Spring Basin Wilderness Act of 2008.

The Lewis and Clark Mount Hood Wilderness Act has been the product of years and years of work to protect a cherished State treasure. More people take pictures of Mount Hood than any other landmark in our State. That is saying something, because Oregon has a lot of breathtaking nature to photograph.

Mount Hood is not just a symbol of our State. It is a monument to the deep connection our people have to their land. This bill is a triumph of environmental protection that wouldn't have been possible without an effort to build a Statewide consensus bringing together thousands of constituent community groups and elected officials who said: We are going to keep fighting for this until Mount Hood gets this added measure of protection.

Our legislation builds on the existing Mount Hood wilderness, adds more Wild and Scenic rivers, and creates a recreation area to allow diverse opportunities for recreation. We protect, under the bill, the lower elevation forests surrounding Mount Hood and our special Columbia River Gorge. The protected areas include scenic vistas, almost 127,000 acres of Wilderness and, in tribute to the great river-dependent journey of Lewis and Clark, the addition of 79 miles on 9 free-flowing stretches of river to the National Wild and Scenic River system.