

State Department at a time of unprecedented global challenges, and at a time when quick confirmation of President Obama's national security team is critical to protect us here at home.

We face two wars abroad, a complex and unpredictable crisis in the Middle East, the nuclear ambitions of a volatile Iranian regime, together with the complexities of dealing with North Korea.

Senator CLINTON has earned the admiration and respect of the global community with her understanding that our international power must be both strong and smart, that the true measure of our influence is not just the size and strength of our military, but also how we use other tools, including diplomacy and foreign assistance, to make the world safer and more free.

Senator CLINTON's exemplary qualifications and wise world view were demonstrated in her confirmation hearings, where she showed a tremendous breadth and depth of knowledge on the major foreign policy issues we face in the world today.

We all remember HILLARY CLINTON's arrival in the Senate a few short years ago—8 years ago. Some wondered—and some out loud—whether a former First Lady who had become a favored target of the rightwing could forge the relationships necessary to be an effective Senator for the people of New York State. She answered that loud, and she answered it very clear.

Some questioned whether a person of such national and international acclaim would put in the time to get to know the inner workings of the Senate and the nitty-gritty of the legislative process. She answered that big time.

It took no time for Senator CLINTON to make believers from those doubters. She became an instant favorite of Democrats and Republicans alike, a forceful advocate for both smart foreign policies and domestic policies, and a remarkably effective student of bipartisanship.

In her time as First Lady of our country, serving as an American emissary to the world, and then in the Senate as a member of the Armed Services Committee, HILLARY CLINTON built the diplomatic skills and breadth of knowledge one needs to be our next Secretary of State. She has the full package.

All but one member of the Senate Foreign Relations Committee voted to approve this outstanding nominee. Democrats and Republicans alike stand in support of our friend and colleague, Senator CLINTON.

I want spread on the RECORD my appreciation for JOHN MCCAIN coming to the floor and saying: Let's approve her now. He tried to do that earlier today.

I ask all my colleagues to join me in sending the world a clear message that we stand behind President Obama and our new Secretary of State as they proceed together to the task of rebuilding our foreign policy to be stronger, smarter, and more able to effectively

lead the world with moral strength once again.

Madam President, first, we yield back all time on both sides.

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

Mr. REID. Madam President, I ask unanimous consent that the Senate now vote on confirmation of the nomination of Senator CLINTON to be Secretary of State, with the remaining provisions of the previous unanimous consent agreement in effect.

I would also say this: For all the new Senators and those who may have forgotten, we are starting this vote a little earlier, so we will be lenient here and not tie down the 15-minute rule. But in the future, we are going to start this Congress as we ended the last one. We are going to have 15-minute votes. There will be a 5-minute time period for people who are late getting here. But at the end of 20 minutes, the votes are going to be closed. This will be hard on Democrats and hard on Republicans, but it is a lot harder on everybody waiting around here for these people to come to vote. So some people are going to miss some votes, and I am sorry about that, but it is better for the body if we have votes that end when they are supposed to.

As soon as this matter is completed relating to the confirmation of HILLARY CLINTON, we are going to go back to Ledbetter. We would hope that the Kay Bailey Hutchison amendment in the form of a substitute, which has been offered, can be debated today and that we can vote on that this evening.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

The Chair hears none, and it is so ordered.

The question is, Will the Senate advise and consent to the nomination of HILLARY RODHAM CLINTON, of New York, to be Secretary of State?

Mr. KERRY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll. (Disturbance in the Visitors' Galleries)

The PRESIDING OFFICER. I would ask that there not be responses from the gallery. Thank you.

The clerk will continue with the call of the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 6 Ex.]

YEAS—94

Akaka	Barrasso	Bayh
Alexander	Baucus	Beight

Bennett	Grassley	Murkowski
Bingaman	Gregg	Murray
Bond	Hagan	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Brown	Hatch	Pryor
Brownback	Hutchison	Reed
Bunning	Inhofe	Reid
Burr	Inouye	Risch
Burris	Isakson	Roberts
Byrd	Johanns	Rockefeller
Cantwell	Johnson	Sanders
Cardin	Kaufman	Schumer
Carper	Kerry	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coburn	Kyl	Snowe
Cochran	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Tester
Corker	Levin	Thune
Cornyn	Lieberman	Udall (CO)
Crapo	Lincoln	Udall (NM)
Dodd	Lugar	Voinovich
Dorgan	Martinez	Warner
Durbin	McCain	Webb
Ensign	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Feingold	Menendez	Wyden
Feinstein	Merkley	
Graham	Mikulski	

NAYS—2

DeMint Vitter

NOT VOTING—2

Clinton Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

Under the previous order, the President will immediately be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Several Senators Addressed the Chair.

Mr. DODD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LILLY LEDBETTER FAIR PAY ACT

Mrs. HUTCHISON. Madam President, I am prepared to offer my amendment to the Ledbetter Act, the Mikulski bill. To proceed, I need to know if that is the order of business.

Mr. LEAHY. Madam President, I was seeking recognition when the quorum call was put in. I am still seeking recognition. Obviously—well, I would just note that, that I was—

Mrs. HUTCHISON. Madam President, I had been working with Senator MIKULSKI and the majority leader about moving to Senator MIKULSKI's bill and my amendment, which is pending, and I had offered to allow Senator VOINOVICH to speak on that. If the Senator has something to intervene, I would be happy to try to accommodate, but this is the pending business.

Mr. LEAHY. Madam President, I crafted the Ledbetter matter that is now before the Senate.

The PRESIDING OFFICER. That is the pending business.

Mr. LEAHY. Madam President, am I correct that I was seeking recognition when the Republicans suggested the absence of a quorum, and I was still seeking recognition—

The PRESIDING OFFICER. The Senator was standing to seek recognition, although the quorum call was placed without objection.

Mr. LEAHY. Again, I object to somebody asking for a quorum call to be placed, Madam President. Perhaps I don't understand the rules after 34 years here, but I was the first one seeking recognition.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mrs. HUTCHISON. Madam President, I would like to ask the Senator from Vermont, without relinquishing my right to the floor, if there is something he would like to do that would be short, and then we could go back to the business of the Ledbetter bill. I am happy to try to accommodate him.

Mr. LEAHY. Madam President, as I said when a similar question was propounded by the distinguished Senator from Texas, I wish to speak on the Ledbetter bill.

Mr. REID. Madam President, would the Senator from Texas yield without losing her right to the floor?

Mrs. HUTCHISON. I would be happy to yield.

Mr. REID. There is a lot of time. We are going to be in session as long as people want to talk. The issue before the Senate now is an amendment offered by the Senator from Texas. Senator MIKULSKI, who is managing this bill, has been trying to get a time as to how long the debate will take on this tonight. The distinguished Republican leader asked that we try to figure out what amendments are going to be laid down tonight, and we will try to set up a series of votes, if necessary, in the morning. So no one should feel they are being cut off. There is plenty of time. We are not going anywhere tonight. We are on the Ledbetter legislation. I would hope we could work our way toward a vision of completing this legislation sometime early tomorrow. I appreciate the Senator from Texas moving forward with this.

I know the strong feelings of the Senator from Vermont about this Ledbetter legislation. It is a legal issue, and he is chairman of the Judiciary Committee. But I hope everyone will be calm and relax. There is plenty of time for everyone to say whatever they want tonight.

Mr. LEAHY. Madam President, I ask unanimous consent—and, of course, the Senator from Texas can object and has every right to object—I ask unanimous consent that I be allowed to continue for all of 7 minutes, all on the Ledbetter bill.

Mrs. HUTCHISON. Madam President, reserving the right to object, let me

ask the Senator from Ohio, whom I promised 12 minutes, whether he would be able to wait 7 minutes for Senator LEAHY, after which I would turn the floor over to him before I discuss my own amendment?

Mr. VOINOVICH. I am more than happy to do that as long as I have a guarantee that after 7 minutes, I have a chance to offer my voice about the amendment.

Mrs. HUTCHISON. Madam President, let me ask whether I could propose this: I move that the Senator from Vermont be allowed 7 minutes on whatever subject he chooses, after which the Senator from Ohio would have 12 minutes, after which I would have the floor to speak on my amendment.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Vermont.

LILLY LEDBETTER FAIR PAY ACT OF 2009—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A 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.

Pending:

Hutchison amendment No. 25, in the nature of a substitute.

Mr. LEAHY. Madam President, I thank the Senator from Texas, and I especially thank my dear friend from Ohio, whom we are going to miss around here.

Madam President, I held a hearing at which Miss Lilly Ledbetter testified before the Senate Judiciary Committee. It was one of the most moving hearings we have had. The fact that a very activist, very Republican Supreme Court had basically written new law to deny her rights was shocking to everybody before that committee.

I believe we have to pass the bipartisan Lilly Ledbetter Fair Pay Act so employers are not rewarded for deceiving workers about their illegal conduct and maybe signal to the Supreme Court to stop legislating, and stop being an activist Court, but to uphold the law as we write it.

One of the Justice Department's roles in our Federal system of government is to protect the civil rights of all Americans, including those that protect them against discrimination.

The Bush administration's erosion of longstanding interpretation of our antidiscrimination laws has created a new obstacle for victims of pay dis-

crimination to receive justice. That was a mistake when it was advanced by the Bush-Gonzales et al. Justice Department. It was a mistake when five Justices on the Supreme Court adopted the Justice Department's erroneous interpretation of congressional intent. It culminated in an erroneous opinion written by Justice Alito.

I understand the Members on the other side of the aisle introduced partisan amendments to the legislation. They have that right. But it is my belief that the amendments should be opposed for one simple reason: they are going to allow illegal pay discrimination to continue.

We are going to hear that this might encourage workers who are being paid less as a result of discrimination to delay filing for equal pay. That argument defies logic. Anyone who heard Ms. Ledbetter's testimony before either the Senate Judiciary Committee or the Senate Health, Education, Labor, and Pensions Committee knows that she, like other victims of pay discrimination, had no incentive to delay filing suit. But employers, based on the erroneous interpretation by the Supreme Court, the activist interpretation by the Supreme Court, now have a great incentive to delay revealing their discriminatory conduct: blanket immunity.

The reality is, many employers do not allow their employees to learn how their compensation compares to their coworkers'. They can hide it and hide it until these women finally retire, pray that they never find out how they were discriminated against, and then say when they are found out: Oh, my goodness gracious, you should have filed suit earlier. The fact that we had it all locked up and you couldn't possibly have known you were being discriminated against is your fault. These victims have the burden of proving the discrimination occurred and that evidentiary task is only made more difficult as time goes on.

It seems it is always the woman employee's fault. That is wrong. Workers like Ms. Ledbetter and her family are the ones hurt by the ongoing diminished paychecks, not their employers.

The bipartisan Ledbetter Fair Pay Act of 2009 does not disturb the protections built into existing law for employers, such as limiting backpay in most cases to 2 years. It does not eliminate the existing statute of limitations. Instead, it reinstates the interpretation of when the 180-day time limit begins to run, an interpretation that was run over roughshod by the Bush administration at its urging by their appointees on the Supreme Court. The bill corrects this injustice to allow 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 bipartisan Ledbetter Fair Pay Act may raise other excuses. They will no doubt