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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, January 25, 2005, at 2 p.m.

## Senate

MONDAY, JANUARY 24, 2005

The Senate met at 2:01 p.m. and was called to order by the Honorable LAMAR ALEXANDER, a Senator from the State of Tennessee.

### PRAYER

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

Let us pray.

Lord, You have been our dwelling place in all generations. You laid the Earth's foundation on the seas and built it on the ocean depths. Each day we receive the showers of Your blessings.

Thank You for listening to our prayers and for keeping us safe. Thank You for giving us hope, even when life seems covered by shadows. From our earliest moments, we have been blessed by Your marvelous deeds. So we celebrate Your goodness.

Continue to sustain our legislators. Give them wisdom and courage to do their duty. Keep their hands and hearts pure. Teach them to do the right thing, to be honest and fair. Keep them humble and help them to trust You completely now and always.

Lord, continue to protect our Nation's military. We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable LAMAR ALEXANDER 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. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 24, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LAMAR ALEXANDER, a Senator from the State of Tennessee, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. ALEXANDER thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this afternoon, we will be in a period for morning business so Senators may introduce legislation and make statements. Following that 1 hour period, the Senate will proceed to executive session for the consideration of the nomination of Carlos Gutierrez to be Secretary of Commerce. Chairman STEVENS will be here to manage the hour of debate on this side of the aisle, and I understand

Senator DORGAN will control the remaining 1 hour. We do not have a request for a rollcall vote on the nomination. Therefore, we will proceed to a voice vote at the expiration of that time. Consequently, we will not have any rollcall votes today.

I do want to take this opportunity to remind my colleagues that we will begin debate on the nomination of Condoleezza Rice during tomorrow's session. The order from last week provides for debate on Tuesday with closing remarks on Wednesday and a vote on that nomination on Wednesday morning.

There are several other Cabinet-level nominations that may be ready for floor action this week, including the nominations of the Secretary of Energy, the Secretary of Health and Human Services, and the Attorney General. I will be talking with the Democratic leader about the full Senate consideration of those Cabinet positions as they become available.

### RELATING TO THE DEATH OF HOWARD S. LIEBENGOOD

Mr. FRIST. Mr. President, I am now turning to a resolution for a very close friend, and then I will take a few moments to comment on this resolution, really the man behind this resolution.

I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

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



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A resolution (S. Res. 7) relating to the death of Howard S. Liebengood, former Sergeant at Arms of the Senate.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 7) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 7

Whereas Howard S. Liebengood served as a captain in the United States Army Military Police Corps in Vietnam from 1968 to 1970, receiving the Bronze Star and the Army Commendation Medal for his exemplary service;

Whereas Howard S. Liebengood began his service to the Senate in 1973 as minority counsel to the Senate Watergate Committee;

Whereas Howard S. Liebengood served as an aide to the Senate Church Committee in 1975, as the minority staff director of the Senate Select Committee on Intelligence in 1976, and as legislative counsel to Senate Majority Leader Howard H. Baker, Jr., in 1980;

Whereas Howard S. Liebengood served as Sergeant at Arms of the Senate from 1981 to 1983;

Whereas Howard S. Liebengood served as chief of staff to Senator Fred Thompson from 2001 to 2003, and as chief of staff to Senate Majority Leader William H. Frist, M.D., from 2003 until his death in January, 2005;

Whereas Howard S. Liebengood was a caring and devoted husband, father, and colleague who served with the utmost humility and distinction and was admired and respected by all as a teacher, adviser, and friend; and

Whereas Howard S. Liebengood inspired others through his personal leadership, generosity, and great love for the United States: Now, therefore, be it

*Resolved, That—*

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of Howard S. Liebengood; and

(2) the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy of these resolutions to the family of Howard S. Liebengood.

Mr. FRIST. Mr. President, Howard Liebengood loved the Senate. He loved the purpose of this institution; he loved its tradition; and, above all, he loved its people. The Senate was his extended family, and we all are going to miss him very much.

Howard Schuler Liebengood passed away on Thursday, January 13, at his home in Vienna, VA. He was just 2 weeks shy of his retirement. He had planned to travel and cook and devote himself to his wife Dee and their three grown children, Howie, John, and Anne.

We talked in detail at breakfast about a month ago, in late December, about his excitement of being able to retire and spend time with the family.

He also told me he planned on going to the track. One of his closest friends and a real friend of this institution, Marty Gold, said Howard loved anything that ran around the track, whether it was cars or dogs or people.

And every May, without exception, Howard went to the Indy 500 with his family.

Howard lived with passion. He lived with conviction. He lived with generosity. He lived with grace. He accomplished so much because he loved life so well.

Howard was born on December 29, 1942, in South Bend, IN. Franklin Delano Roosevelt was President, stamps cost 3 cents, and total Federal spending was a mere \$35 billion.

Howard graduated from Plymouth High in 1960 and earned his bachelors degree in political science at Kansas State University. From there he went to Vanderbilt University Law School where he met a young man who would become his closest and lifelong friend and future U.S. Senator, Fred Thompson. Howard once described the two of them as misfits among the well-heeled southern scholars and Ivy League stars. But knowing them both, I suspect it was just Howard's characteristic midwestern modesty.

After earning his law degree from Vanderbilt, Howard served as an Army captain in the Vietnam war. His bravery and valor earned him the Bronze Star and the Army Commendation Medal.

Upon his return from Vietnam in 1970, Howard applied for and won the competition to be assistant general manager and play-by-play announcer for the Kansas City Royals AAA farm club. But it was not to be. A young wife and the prospect of a future family led him to the offices of Manier, White in Nashville, TN, where he practiced criminal and entertainment law.

Then, just as he was to become partner, he got a call. Fred was minority counsel to the newly formed Senate Watergate Committee, and he wanted Howard at his side. It was 1973, the height of Watergate. Senator Howard Baker of Tennessee was vice chair of the committee. It was an offer too good to refuse.

Howard soon found himself in the center of the Watergate whirlwind, interviewing witnesses and ultimately coauthoring the Baker report.

It was a heady experience for the young lawyer and launched him on a 30-year career in politics. And yet somehow, despite this long and intimate exposure to Washington politics, Howard never lost his optimism. He never became cynical. He always looked for the good in any situation, and he always kept his good humor. And throughout, he also had the mentorship and friendship of Senator Howard Baker, his first boss in politics.

During the course of Watergate, Senator Baker and Howard became close friends. As minority leader, Senator Baker hired Howard to be his legislative assistant, and then as majority leader he elevated Howard to Sergeant at Arms. Howard would often stay with Senator Baker when the Senator was home in Scott County in Huntsville, TN.

Senator Baker tells this delightful story which speaks to their friendship and Howard's charm and his wonderful wit:

When Howard was Sergeant at Arms in the Senate during the first Reagan inauguration in January 1981, I still have this image of Howard in striped trousers and a cut-away coat standing on a platform next to the emergency phone sweating although the temperature was below freezing. I said: "Howard, I see you're sweating. Are you OK?" Howard replied: "I forgot the key to the emergency phone."

Senator Baker asked him later:

What would you have done if that phone had rung?

And Howard replied:

I would have pulled that sucker out by the roots.

That is Howard Liebengood, and it is the Howard Liebengood we have all been pleased to know. He treated everyone, from Senators to interns, with a graciousness and genuine regard. If a constituent had a difficult request or an unusual request, Howard would say: Give them a chance. That is an idea that just may be worth considering.

When Senator HATCH injured his Achilles' tendon, Howard drove ORRIN to the Senate every day. While he was my chief of staff, Howard Liebengood regularly invited young staffers on summer weekends to travel with him to Baltimore for a day of crabs and baseball.

He was just that kind of person—always extending himself, always making others comfortable around him, always making the personal connection, especially focusing on the young people in the office. He wanted to share with them the excitement and honor of working in Government. He always let them know, interns and staff alike, that their jobs mattered, that their jobs had a purpose, that they were serving their fellow citizens and advancing the cause of democracy.

Howard also reached across the aisle. He was known as the peacemaker for his ability to bring opposing sides together. Indeed, one of his great regrets was what he saw to be the growing partisanship in politics.

He missed the days when Members could set aside their party labels and share a 6 o'clock cocktail or a Friday night dinner. When he was legislative counsel for Senator Baker, what is now just down the hall my conference room and the leader's office, it was called the "back room." It featured not a conference table but a sofa, a coffee table, two wingback chairs, and over at the end a wet bar.

Howard would host visits that began late in the afternoon and could last well into the evening. The regulars included Mac Mathias, Barry Goldwater—they tell me, two fingers of bourbon, no ice—PETE DOMENICI, and Joy Baker, who would often bring along Elizabeth Taylor Warner.

Two curious facts about the jovial and mild-mannered Presbyterian. The first, Howard kept a dozen bottles of

hot sauce in his desk drawer. After the 116 Club, the Szechuan Pavilion was one of his favorite restaurants. The second involves his friend, great friend Mike "Mad Dog" Madigan, who served with him on the Watergate Committee.

The story goes that one time in Manhattan, NY, of all places in the apartment of Fidel Castro's mistress, in the course of casual conversation, Mike Madigan said something that upset Ms. Marita, something she took as a challenge to her own personal integrity. She pulled a Derringer from her brassiere and threatened to shoot them both. It was a tense moment. Mike tried to dive under the couch over against the wall. Fortunately, Mike and Howard got out of there unharmed and with a great story to tell.

We all greatly admired Howard. When I became majority leader, I called him on a very late cold December night and asked him to be my chief of staff, and to my great, good, wonderful fortune, he said yes, and he brought incredible insight and judgment. Through his personal leadership, integrity, and generosity, he inspired us all.

He valued character. He valued honesty. He valued grace. Above all, he valued faith. Howard was loved and respected by individuals across the Capitol complex from Members to doorkeepers to photographers to the hundreds of Senate staffers, old and young, Democrat and Republican. Howard was a remarkable person who led a remarkable life.

Howard used to sign off his e-mails with the words "all good wishes." I know I speak for the entire Senate family when I say our hearts are full of good wishes for Howard and his family. We are blessed to have had him in our lives, and we will miss him dearly.

Mr. REID. Mr. President, before the distinguished Republican leader leaves the Senate floor, I wish to express to him through the Chair my appreciation for the kind and very thoughtful words about our friend Howard.

Howard Liebengood represents what the Senate is all about. Spread throughout the Senate, we have hundreds of people who work for us every day who are just like him, extremely well educated. If their goal in life was to see how much money they could make, they would not be working here. They do it because they have a sense of public service, as indicated with his record.

The Senator's kind words about Howard today are words that can be directed to each one of the people who work for us. He was what the Senate is all about. He not only should be but is a role model for what the Senate staffers, as we call them, try to be. If they completed their term of service having given up the fruits of how much money they could make outside the Senate and were thought of as Howard was thought of, I believe their lives would be complete.

I thank the leader very much. As I said, his remarks not only spoke of a

good man but are representative of what the Senate is all about.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the full time in morning business for the majority and minority be given. The standing order was that we would go to the Gutierrez nomination at 3, but I ask that that time be extended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### INTRODUCTION OF REPUBLICAN LEADERSHIP AMENDMENTS

Mr. FRIST. Mr. President, today we honor the tradition of defining our party's agenda for this Congress. I take this duty seriously. Because I take our times seriously.

We live during an extraordinary moment not only in the history of America, but in the history of the world. And it is my goal—and the goal of my caucus—to look to the future and seize the opportunities that such times offer.

Social Security has been one of the great triumphs in the history of our government. It has lifted millions of seniors from poverty into dignity and provided an essential safety net for disabled citizens.

But soon our Social Security system will be unable to sustain itself. A program created for security will itself become insecure.

Social Security works well for those at or near retirement. And, for these men and women, Social Security must remain the same and provide the same benefits.

But for future retirees, the future is less certain. That is, of course, if we fail to act. Then we will know the outcome: the retirement of the baby boom generation will place an unsustainable burden on younger Americans.

The President is right to call on the Congress to rise to this crisis. I believe we have an opportunity to rise above partisanship, to do what is right rather than what is expedient, and to leave a legacy of leadership for our children.

This Congress will continue to meet the challenge of our generation, to fight and win the war on terror.

I would like to thank Chairman COLLINS for her tremendous leadership last Congress. She successfully completed the first major overhaul of our intelligence services in a generation.

We will continue to look to her as she undertakes the important task of ensuring that we commit our resources where the threat is greatest.

Today, we will introduce legislation that honors our service men and women who have made the supreme sacrifice. They have given all to our Nation and the cause liberty; and we will give more to better care for the ones they loved.

I'm grateful for the hard work of many Senators in this effort, particu-

larly that of Senators SESSIONS, HAGEL, DEWINE, ALLEN, and our two able chairmen, Senators WARNER and CRAIG.

I look forward to their continued contributions on behalf of the members of our armed services.

This bill will also enhance our efforts to secure our Nation against biological threats and gives law enforcement the tools they need to better defend us at home, both by more quickly providing cutting edge technologies and by enhancing laws to protect our citizens. I appreciate Senator SESSIONS' leadership in the area of protecting our mass transit system against terrorist attacks. Included in this leadership proposal is the Railroad Carriers and Mass Transportation Act, a bill he authored last Congress and also incorporated into the Tools to Fight Terrorism Act introduced by Senate leadership.

Our Nation's security does not rest on our military might alone. A growing economy, educational opportunities, and access to affordable health care are all essential to keep our country strong and our citizens secure.

We should begin by examining the Federal Tax Code. Our tax system should raise revenue in a simple, efficient, fair and predictable manner.

Unfortunately, this is far from today's reality.

Consider the facts: Everyday Americans spend 23 percent more time filling out tax forms today than 8 years ago. In that time, the total number of pages of Federal tax rules have grown by almost half. And one leading tax preparation firm is making 150 percent more money.

We look forward to reviewing the findings of the President's Advisory Panel on Federal Tax Reform. We will take action. We will simplify our laws, keep our commitment to a progressive Tax Code, and promote savings and growth.

Clearly, adopting a comprehensive energy policy and reforming our tort system are cornerstones of economic growth. I believe that we have a real opportunity to work across party lines on these issues.

Chairman DOMENICI has renewed his efforts to bring a bill through the Energy Committee and we look forward to results. The Senate will soon begin its debate on class action reform. It is an important place to start. Our tort system costs our economy nearly \$250 billion per year. That's the equivalent of an \$844 "tort tax" on every American. This bill will be an early success. I'm grateful for the hard work on both sides of the aisle that have gone into this important initiative.

We cannot afford to let lingering concerns about a tax increase on small businesses stall our economic growth.

The President's economic stimulus package was exactly the right medicine at the right time for a faltering economy. From day one it has led to steady growth. We need to make those tax cuts permanent so we can keep our economy growing and creating jobs.