



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, MONDAY, OCTOBER 15, 2007

No. 155

Senate

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 15, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SENATOR PETE DOMENICI

Mr. REID. Mr. President, before I outline what we are going to do this afternoon, let me say I had a conversation last week with PETE DOMENICI, who announced he would not run for reelection. I served with Senator DOMENICI for my entire time in the Senate on the Appropriations Committee. We worked on the Energy and Water Subcommittee over many years. During most of that time, he was either chairman or I was chairman, and the other one was the ranking member. We traveled the country looking at different facilities that related to the jurisdiction we had. It was a great subcommittee because all the money we had was discretionary, and it was a subcommittee that did so many good things for the country. There were water projects that were long overdue. We set up the safety and reliability of our nuclear arsenal. It was not easy, but we worked through that.

Senator DOMENICI has a tremendously interesting background. Because of my fascination with athletics, and especially baseball, I was stunned to learn this respectable man—who has so much mental acuity and is good

with numbers and all this—had started out as a great baseball player. He was a pitcher, a left-handed pitcher, as I understand. He played professional baseball. He was in the Brooklyn Dodgers' farm system. He left there to become a junior high school math teacher.

He went on to earn a law degree before he began a storied career in the State of New Mexico as a city councilman and mayor. Now, of course, he is one of the more senior Members of the Senate.

During the time Senator DOMENICI and I have known each other, we have gotten to know each other's spouses. He is very kind and thoughtful to Landra, my wife, as I try to be to his very sweet, personable Nancy. They have eight children.

He is a person for whom I have great respect. I will miss him. He has a unique knowledge of the importance of our National Laboratories. One reason, of course, is we have two of them in the State of New Mexico. But we have them in other places—California, Illinois. I have traveled with him to Missouri.

He is a person who has looked out for the Nevada test site—a place where almost 1,000 nuclear devices were exploded, most of them underground, but not all of them underground. He worked with me to make sure that facility—that is a billion-dollar facility—is still used for the security of this Nation. He has worked on, as I have indicated, the safety of our nuclear stockpile.

He made his decision to retire for reasons that are certainly valid, but that does not take away from the fact we will all miss him.

I must say, one of the other issues he has worked so hard on—originally with Senator Wellstone, but after that much of the time alone—deals with mental health parity. Fortuitously, a week before we adjourned for the Columbus Day recess, we passed that legislation

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

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

Let us pray.

O Lord, magnificent in mercy, plenteous in grace, and generous in love, we pause to confess our shortcomings. Forgive us for speaking when we should listen and for manipulating facts to suit our purposes. Forgive us also for waiting for opportunities instead of creating them. Lord, we have forgotten, faltered, and failed, and we ask today for Your mercy.

Strengthen our Senators for today's journey. Give them strong hearts and sound minds to do their ethical best in representing You. As they look to the future, give them the wisdom to join their plans to Your will and to do Your work on Earth. Lord, radiate Your hope through them, making them positive people who are expectant of Your best for our Nation and world.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB 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 assistant legislative clerk read the following letter:

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



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in the Senate. Now we have to make sure our bill and the House bill are conferenced and we finish those two bills. But it certainly is a step in the right direction.

So I do offer Senator DOMENICI my congratulations for the wonderful job he has done as a Senator and, as I told him on the phone, I express how much—after the next 15 months—I will miss him.

SENATOR TED KENNEDY

Mr. REID. Mr. President, I think it is also important to tell everyone Senator KENNEDY is strong and well and happy. He had some minor surgery that was important surgery. A lot of people do not know Senator KENNEDY was nearly killed in an airplane crash. His life was saved by EVAN BAYH's father, Birch Bayh.

He never complains, but Senator KENNEDY has constant pain from his back. As a result of that, he had some work done to see what was going on with his back. They did a CAT scan of his full spine, which normally is not done because most of the trouble in his back is in the low back, not the high back. As a result of that, they fortuitously—with good fortune because of the high x-ray—checked and a carotid artery was plugged.

It was very fortuitous that was done. His wife Jackie thinks that is a miracle, and it certainly is a blessing in their lives because as a result of taking a look at his spine, they were able to spot that and avoid some serious problems in the future.

I cannot possibly overstate the importance of Senator KENNEDY's leadership in this body as we address the critical issues that lie ahead in this work period. For 45 years he has been a person who has been on the cutting edge of doing the right thing for this country and certainly for the State of Massachusetts.

SCHEDULE

Mr. REID. Mr. President, today, we are going to have morning business for an hour after Senator MCCONNELL and I finish our brief remarks to the Senate. The time will be equally divided and controlled. Following the period of morning business, the Senate will resume consideration of the Department of Commerce, Justice, and Science Appropriations Act.

Under an order previously entered, people have until 2:30 p.m. today to file any first-degree amendments to the bill. We are going to finish this bill perhaps not tonight, but I hope we can finish it tomorrow because we are going to move then to the Labor-HHS legislation.

Tonight we are going to have a vote, and we are going to see if we can come up with an amendment to the appropriations bill we are working on. If not, there is still a judge we need to have approved, and we will do that tonight.

I hope everyone understands we need to do the Labor-HHS bill. That would be the sixth bill we will have completed. We are going to start that bill as soon as we finish the bill that is before us, the Commerce, Justice, Science appropriations bill, and we are going to finish that bill this week. We have to do that.

The farm bill is so important all across this country, and the markup of that bill is scheduled for next week. The reason we have to finish the Labor-HHS appropriations bill this week is the chairman of the committee the farm bill will come out of is Senator HARKIN, who is also the chairman of the subcommittee that deals with Labor-HHS. So we have to finish that. I hope it does not spill into the weekend. We have talked about that several times this year and rarely have we had to do it. But we need to get that done.

After this week, we will only have four work weeks before we have our Thanksgiving Day recess. We are all on line to see what we can do to work out our differences with the White House to finish our funding for this year. We need to do that, and finishing this bill will point us in that direction.

Thank you, Mr. President.

RECOGNITION OF THE MINORITY LEADER

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

SENATORS DOMENICI AND KENNEDY AND APPROPRIATIONS BILLS

Mr. MCCONNELL. Mr. President, let me commend the majority leader for his comments about our colleague, Senator DOMENICI's long and extraordinarily distinguished career. We are indeed fortunate he will be here for another 15 months and we look forward to serving with him. I will have, obviously, a lot more to say about his remarkable tenure in the Senate later.

It is also good to have a health update on our colleague Senator KENNEDY, and to learn his operation went well and he is doing well and will be back with us soon.

Finally, let me underscore the observations the majority leader made. It is our goal to pass as many of the appropriations bills as possible. There will be significant cooperation on this side of the aisle toward that end. That is, after all, the basic work of Government, and we need to try to complete it as rapidly as possible.

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 of morning business for a period of 1 hour, with Senators permitted to speak therein for up to 10 minutes each, and with the time equally divided and controlled between the two leaders or their designees.

The Senator from New Mexico.

PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2007

Mr. BINGAMAN. Mr. President, I rise to discuss the Presidential Records Act Amendments of 2007.

The Presidential Records Act of 1978 declared a President's papers were the property of the people of the United States and were to be administered by the National Archives and Records Administration. The act provided that Presidential papers would be available 12 years after a President left office, allowing the former or incumbent President the right to claim executive privilege for particularly sensitive documents.

In order to fulfill that mandate—that mandate that was in the 1978 law—President Reagan, in 1989, signed Executive Order 12667, which gave the former or incumbent President 30 days to claim executive privilege.

However, in 2001, early in his administration, President Bush issued Executive Order 13233, and this executive order by President Bush nullified President Reagan's order and imposed new regulations for obtaining Presidential and Vice Presidential documents. President Bush's new order greatly restricts access to Presidential papers by requiring that all requests for documents, no matter how innocuous, be approved by both the former President, whose papers are involved, and also by the current White House occupant. There is no time limit to the White House review, and the right to review and assert executive privilege has been extended by President Bush in his Executive order to include the Vice President and to include Presidential family members. In this way, the order goes against the spirit of the Presidential Records Act and against the letter of the Presidential Records Act by creating a presumption of non-disclosure and expanding the executive privilege claim, thus allowing the White House to prevent the release of records literally for generations in the future.

H.R. 1255, the Presidential Records Act Amendments of 2007—which is the bill I came to the floor to speak about—was passed in the House by a vote of 333 to 93 on June 20 of this year. I introduced a similar bill, S. 886, in March of this year in the Senate. The bill I introduced is a bipartisan bill which is cosponsored by Senators CORNYN, LEAHY, SUNUNU, FEINSTEIN, and OBAMA. Two weeks ago, Senator FEINSTEIN sought unanimous consent for the Senate to proceed to H.R. 1255, but an objection was heard from another Senator.