

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

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

The resolution (S. Res. 128) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 128

Whereas, in the case of *United States v. Philip G. Balcombe, Sansi G. Coonan, John S. Dear, Jan Lustig, Michella A. Marusa, Martin J. Ryan, Eleanore M. Vouzelas, and Bruno Keller*, Cr. No. 07-207, pending in federal district court in Albuquerque, New Mexico, testimony and documents have been requested from Maggie Murray, an employee in the office of Senator Pete Domenici;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved* that Maggie Murray and any other employees of Senator Domenici's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the case of *United States v. Philip G. Balcombe, Sansi G. Coonan, John S. Dear, Jan Lustig, Michella A. Marusa, Martin J. Ryan, Eleanore M. Vouzelas, and Bruno Keller*, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Maggie Murray and other employees of Senator Domenici's staff in the actions referenced in section one of this resolution.

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AUTHORIZING LEGAL COUNSEL  
REPRESENTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 129 which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 129) to authorize testimony, document production, and legal representation in State of Alaska v. Robert S. Mulford and Don G. Muller.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony, documents, and representation in ac-

tions pending in state court in Fairbanks, AK. In these actions, two anti-war protesters have been charged with criminal trespass for refusing repeated requests by building management and local police to leave Senator TED STEVENS' Fairbanks, AK office on February 20, 2007. A trial of these defendants is scheduled to commence on April 5, 2007. The prosecution has subpoenaed testimony and documents from a member of the Senator's staff who had conversations with the defendants during the events in question. Senator STEVENS would like to cooperate by providing testimony and any relevant documents from his staff. This resolution would authorize that staff member, and any other employee of Senator STEVENS' office from whom evidence may be required, to testify and produce documents in connection with this action, with representation by the Senate Legal Counsel.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD, and that there be no intervening action or debate.

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

The resolution (S. Res. 129) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 129

Whereas, in the cases of State of Alaska v. Robert S. Mulford (Cr. No. 4FA-07-547) and Don G. Muller (Cr. No. 4FA-07-548), pending in state court in Fairbanks, Alaska, testimony and documents have been requested from Diane Hutchison, an employee in the office of Senator Ted Stevens;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Diane Hutchison and any other employees of Senator Stevens' office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the cases of State of Alaska v. Robert S. Mulford and Don G. Muller, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Diane Hutchison and other employees of Senator Stevens' staff in the actions referenced in section one of this resolution.

TO AWARD A CONGRESSIONAL GOLD MEDAL TO MICHAEL ELLIS DEBAKEY, M.D.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be discharged from further consideration of S. 474 and that the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (S. 474) to award a congressional gold medal to Michael Ellis DeBakey, M.D.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. Mr. President, today the Senate will unanimously pass S. 474, a bill I introduced to award a Congressional Gold Medal—the highest civilian award which may be bestowed by the United States Congress—to my dear friend, Dr. Michael DeBakey. I thank my colleagues for joining me in recognizing and honoring Dr. Deakey for his lifetime of medical achievement and public service. I would especially like to thank my friend and colleague from Louisiana, Senator MARY LANDRIEU. She joined me in circulating a letter to our Senate colleagues on this bill, and she was very helpful in gathering key co-sponsors needed to pass this legislation today.

Dr. DeBakey is currently in Texas recovering from the very type of heart operation he pioneered. At the age of 98, he is the oldest survivor of the operation he developed to repair a damaged aorta, the main artery from the heart. I certainly wish him well as he continues to recover from this major operation. I would also like to take this opportunity to thank him once again for his lifetime of commitment and service not only to the medical community but to the world and strongly encourage my colleagues in the House of Representatives to pass this legislation as soon as possible.

I ask unanimous consent that the text of the Dear Colleague letter for S. 474 be printed in the RECORD, and I request that Senator LANDRIEU be added as an original cosponsor of this bill because without her help, this bill would not have passed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
Washington, DC, March 6, 2007.

DEAR COLLEAGUE: Please join us in recognizing Dr. Michael DeBakey, a public servant and world-renowned cardiologist, for his many outstanding achievements in the field of medicine. We encourage you to co-sponsor S. 474, a bill to award Dr. DeBakey the Congressional Gold Medal. This is the highest award which may be bestowed by the United States Congress, and Dr. DeBakey is most deserving.

Dr. Michael DeBakey, a native of Louisiana and graduate of the Tulane University School of Medicine, is a pioneer in every sense of the word. His long and distinguished career has impacted nearly every aspect of modern medicine.

When he was just 23 years old and still attending medical school, Dr. DeBakey developed a roller pump for blood transfusions—the precursor and major component of the heart-lung machine used in the first open-heart operation. During his service in World War II, Dr. DeBakey observed soldiers dying on the battlefield who he believed could be saved. From that experience he made numerous recommendations to improve the military's medical procedures, including the development of mobile army surgical hospitals, better known as MASH units. These efforts earned him the Legion of Merit in 1945. Dr. DeBakey later helped establish the specialized medical and surgical centers system for treating military personnel returning from the war, which subsequently became the Veterans Affairs Medical Center System.

In 1948, Dr. DeBakey joined the Baylor University College of Medicine, where he started its first surgical residency program and was later elected the first President of Baylor College of Medicine. Adding to his list of accomplishments, Dr. DeBakey performed the first successful procedure to treat patients with aneurysms, performed the first successful coronary bypass surgery, and he was the first to successfully implant a partial artificial heart.

Dr. DeBakey continued to amaze the medical world when he pioneered the field of telemedicine by performing the first open-heart surgery transmitted over satellite and later when he supervised the first successful multi-organ transplant, where a heart, both kidneys and a lung were transplanted from a single donor into four separate recipients. Most recently, Dr. DeBakey worked with NASA engineers to develop the DeBakey Ventricular Assist Device, which may eliminate the need for some patients to receive heart transplants.

These accomplishments have led to national recognition. Dr. DeBakey has received both the Presidential Medal of Freedom with Distinction from President Lyndon Johnson and the National Medal of Science from President Ronald Reagan.

Dr. DeBakey's efforts and innovative surgical techniques have saved the lives of thousands, if not millions, of people. We hope you will join us in recognizing Dr. DeBakey's profound impact on the field of medicine and how we care for our veterans, by co-sponsoring legislation to award him the Congressional Gold Medal. If you wish to co-sponsor or have any questions about this legislation, please contact Chad Heflin at (202) 224-5922.

Sincerely,

KAY BAILEY HUTCHISON.  
MARY LANDRIEU.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed at the appropriate place in the RECORD.

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

The bill (S. 474) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 474

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Michael Ellis DeBakey, M.D., was born on September 7, 1908, in Lake Charles, Louisiana, to Shaker and Raheela DeBakey.

(2) Dr. DeBakey, at the age of 23 and still a medical student, reported a major inven-

tion, a roller pump for blood transfusions, which later became a major component of the heart-lung machine used in the first successful open-heart operation.

(3) Even though Dr. DeBakey had already achieved a national reputation as an authority on vascular disease and had a promising career as a surgeon and teacher, he volunteered for military service during World War II, joining the Surgeon General's staff and rising to the rank of Colonel and Chief of the Surgical Consultants Division.

(4) As a result of this first-hand knowledge of military service, Dr. DeBakey made numerous recommendations for the proper staged management of war wounds, which led to the development of mobile army surgical hospitals or "MASH" units, and earned Dr. DeBakey the Legion of Merit in 1945.

(5) After the war, Dr. DeBakey proposed the systematic medical follow-up of veterans and recommended the creation of specialized medical centers in different areas of the United States to treat wounded military personnel returning from war, and from this recommendation evolved the Veterans Affairs Medical Center System and the establishment of the Commission on Veterans Medical Problems of the National Research Council.

(6) In 1948, Dr. DeBakey joined the Baylor University College of Medicine, where he developed the first surgical residency program in the city of Houston, and today, guided by Dr. DeBakey's vision, the College is one of the most respected health science centers in the Nation.

(7) In 1953, Dr. DeBakey performed the first successful procedures to treat patients who suffered aneurysms leading to severe strokes, and he later developed a series of innovative surgical techniques for the treatment of aneurysms enabling thousands of lives to be saved in the years ahead.

(8) In 1964, Dr. DeBakey triggered the most explosive era in modern cardiac surgery, when he performed the first successful coronary bypass, once again paving the way for surgeons worldwide to offer hope to thousands of patients who might otherwise succumb to heart disease.

(9) Two years later, Dr. DeBakey made medical history again, when he was the first to successfully use a partial artificial heart to solve the problems of a patient who could not be weaned from a heart-lung machine following open-heart surgery.

(10) In 1968, Dr. DeBakey supervised the first successful multi-organ transplant, in which a heart, both kidneys, and lung were transplanted from a single donor into 4 separate recipients.

(11) In 1964, President Lyndon B. Johnson appointed Dr. DeBakey to the position of Chairman of the President's Commission on Heart Disease, Cancer and Stroke, leading to the creation of Regional Medical Programs established "to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals, for research and training".

(12) In the mid-1960s, Dr. DeBakey pioneered the field of telemedicine with the first demonstration of open-heart surgery to be transmitted overseas by satellite.

(13) In 1969, Dr. DeBakey was elected the first President of Baylor College of Medicine.

(14) In 1969, President Lyndon B. Johnson bestowed on Dr. DeBakey the Presidential Medal of Freedom with Distinction, and in 1985, President Ronald Reagan conferred on him the National Medal of Science.

(15) Working with NASA engineers, he refined existing technology to create the DeBakey Ventricular Assist Device, one-tenth the size of current versions, which may

eliminate the need for heart transplantation in some patients.

#### SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Michael Ellis DeBakey, M.D., in recognition of his many outstanding contributions to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

#### SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

#### SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

#### SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

#### OLDER AMERICANS REAUTHORIZATION TECHNICAL CORRECTIONS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1002 submitted earlier today.

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

The legislative clerk read as follows:

A bill (S. 1002) to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, the Older Americans Technical Corrections Act of 2007 that I introduced today with Senator ENZI and Senator ROBERTS will restore States' ability to obtain Department of Agriculture commodities under the Nutrition Services Incentive Program. Through this program seniors obtain their meals through organizations in the community such as Meals on Wheels.

Last year, during the Older Americans Act Reauthorization negotiations, the Department of Agriculture asked