

I have already thanked a number of people, and I would also like to thank, on Senator ENZI's staff, Ilyse Schuman, and on my own staff, Stacy Sachs, Molly Nicholson, Jeff Teitz, and Charlotte Burrows, and two of my interns, Ashley Bennett and Lara Mounir.

I would also like to thank the many other staff members, both on and off the committee, who did such great work on this bill: Carmen Green, Nancy Hardt, Paula Burg, Lisa German, Jessica Gerrity, Dora Hughes, Ed Ramos, Ben Klein, Jim Esquea, David Lazarus, Lisa Layman, Jenny Ware, Mary-Sumpter Johnson, Stephanie Carlton, and Jennifer Claypool.

I would also like to thank the legislative counsels Bill Baird, Amy Gaynor, and Stacey Kern-Scheerer for all of their hard work on this bill.

Mr. ROBERTS. Mr. President, today the Senate voted to approve S. 1082, the Food and Drug Administration Revitalization Act. I am very pleased the Senate took this action and I now look forward to its consideration in the House.

Unfortunately, I was not present to vote for the bill, but I would like the record to reflect that I had planned to vote in favor of this legislation. Just last weekend, Kansas experienced a horrible disaster when a tornado devastated an entire community and took the lives of several Kansans.

Late last Friday evening, the town of Greensburg, KS, was literally wiped off the map by an enormous tornado. As a result of this and storms associated with the system, 12 Kansans are confirmed dead, and all of the 1500 residents of Greensburg have been displaced. What we have experienced in Greensburg is unlike any other event in recent Kansas history. The hospital is gone, the schools are gone, every church is gone, virtually every business in the community is gone, including all of Main Street. Estimates are that fully 95 percent of the structures in the town are damaged or destroyed. Because of this devastation, I invited President Bush to come to Greensburg, KS, and view the damage from this unspeakable disaster. Today, President Bush is in Greensburg, and I, along with other members of the Kansas congressional delegation, are showing him the devastation this community has experienced, so I could not be present to vote for S. 1082.

However, I want my colleagues to know that I support this legislation and would have voted in favor of the bill if I were present. I believe S. 1082 will give FDA the tools to ensure drug safety and will renew some very important prescription drug and medical device programs. I am also pleased the bill includes an amendment I sponsored with Senators HARKIN, BURR, and COBURN to improve the drug advertisement provisions in the underlying bill. This amendment was accepted unanimously by the Senate.

Our amendment addresses the first amendment concerns with the advertising provisions in the original bill

and gives the FDA the tools they need to protect the public from false or misleading prescription drug advertisements. We believe this amendment is a more commonsense approach to dealing with prescription drug advertisements and ensures the public will get truthful and accurate information about new prescription drugs.

I especially want to thank Chairman KENNEDY, Ranking Member ENZI, and Senator HARKIN for their leadership and hard work on this issue. I also thank Senators BURR and COBURN for their cooperation and cosponsorship of my amendment. This amendment represents the result of our efforts to achieve an outcome that is acceptable to all of us. The agreement that was accepted today is a fair compromise that addresses the concerns of all of the Members involved.

Mr. BYRD. Mr. President, I voted against Senator DURBIN's amendment because it would have forced the removal of the best scientific minds from the oversight of the safety of our Nation's food and prescription drug approval process. Though well intentioned, the Durbin amendment would have limited the advice available to the Food and Drug Administration for critical decisions pertaining to consumer safety. I will support the efforts to ensure that conflicts of interest do not interfere with the safety of the American people, and I will work to ensure that the country's best experts continue to secure our medications and food supply.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

#### NOMINATION OF DEBRA ANN LIVINGSTON TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider Executive Calendar No. 104, which the clerk will report.

The legislative clerk read the nomination of Debra Ann Livingston, of New York, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 3 hours for debate equally divided between the chairman, Senator LEAHY, and the ranking member of the Judiciary Committee or their designees.

The Senator from Vermont is recognized.

#### JACK VALENTI

Mr. LEAHY. Mr. President, in the time allotted to me, I will talk about

some other things. Later this afternoon, a wonderful American man who had a life that epitomizes what is best in our country will be buried in Arlington. I am speaking about Jack Valenti. Jack and his wife Mary Margaret first took my wife Marcel and I under their wings when I came here as an unknown 34-year-old Senator from Vermont. We had so many wonderful times with both of them. There would be times, obviously, as many of us did during Jack's years as president of the Motion Picture Association, when we would gather for a dinner at the MPAA, always with at least one Italian dish, and then watch a first-run movie. Jack would be greeting everybody by name. For those of us who sometimes have to remember the names of our own families, he was remarkable. But the remarkable thing was, he greeted everybody. He knew about you and was interested in what you were interested in, but also on the points that he wanted to get across, he would do so in a way with integrity, with brilliance, and with the respect of both Republicans and Democrats, as he would go through the halls of the Senate and the House.

On a personal basis, with he and Mary Margaret, we would sit sometimes having a quiet meal at their house or on one occasion at a favorite restaurant of theirs, on a soft summer evening, sitting outdoors and talking about kids and, in that case, their pending grandchild. I could not help but think about this man, who by all rights never should have made it through World War II. He was a highly decorated fighter bomber pilot. He went through battles where there were enormous casualties. He received the Distinguished Flying Cross and just about every other bravery medal one could, and he survived.

He came back to a career that ranged from being somber, as we all know, in Texas at the time of President Kennedy's death, to going on the plane with President Johnson, and sharing those Texas roots and working with him.

From a personal point of view, I think of the time he spent with my late mother who was an Italian American. They had that bond. He would sing her out at national gatherings of Italian Americans. She loved it. She called me once and said: I saw that nice young man on television. I said: Mother, whom are you talking about? She said: Jack Valenti, that nice young man. I said: Mom, Jack is almost 20 years older than I am. She said: Really. Well, he doesn't look it. And then came the killing shot. She said: Patrick, you should take better care of yourself. When Jack had one of his many retirement parties—I will speak to that in a moment—I told that story.

I am afraid more than one person in the audience agrees with my mother.

I said "one of his many retirements." He never retired. He continued to write books. He had one that he just finished before a stroke silenced him a few

weeks ago. I have a copy of his book in my desk on the Senate floor. I have a copy of all his books. They are well written. He had a command of the English language that all of us would like to think we could master with the best of all speechwriters, and we can't. He did it. He was his own speechwriter. Nobody else could begin to match what he did.

One of the things I think of—and I was thinking of this at his funeral, where I had the honor of being an honorary pallbearer—I spoke with Mary Margaret and his son John afterward, his daughter Courtney. I was speaking with others. I remembered an op-ed piece that my friend Matt Gerson wrote for the Saturday, April 28, Washington Post about Jack. Matt refers to the mentoring that he did of so many people. Matt refers to his own mentoring by Jack Valenti.

Well, I am one of those Senators—one of hundreds of Senators—on both sides of the aisle mentored by Jack. I, along with my wife, am among the thousands of people who will miss his phone calls, who will miss his conversations, who will miss his friendship, and we join in sending our condolences to Mary Margaret, and know she carries on great memories of her own, and memories we will continue to share.

Mr. President, I ask unanimous consent that the op-ed piece I referred to by Matt Gerson be printed in the RECORD.

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

[Saturday, April 28, 2007]

#### WHAT JACK VALENTI TAUGHT US ALL

(By Matt Gerson)

Jack Valenti lived a unique life between two of society's fascinations—politics and Hollywood. For Republicans and Democrats, for senators and young aides, for celebrities and the legions behind the cameras, interactions with him were graduate seminars in history, politics, human nature and common sense. This extraordinary communicator punctuated every conversation with a witticism linked to his beloved Texas, a quote from an obscure historical figure or a rule passed on to him by his mentor, Lyndon Johnson. In the weeks leading up to his death Thursday, all over town a simple "How's Jack?" almost always led to, "You know, I try to live by something I once heard him say."

I first noticed his reach when a lunch companion said, "I try to return every phone call the same day I receive it, and I try to treat an appointment secretary like a Cabinet secretary." That was followed by a senator who revealed: "Jack was the first one to contact me after my son died. I will never forget his concern and support. How can I reach his family?"

For those Jack mentored during the 38 years he dedicated to America's film industry, it became clear that character was defined by loyalty. In both Washington and Hollywood, people often desert "friends" at the first whiff of public disfavor. Not Jack—time and again he insisted that you never abandon a friend who was going through a rough time, and he always stood with a beleaguered colleague or public official who was receiving unwanted publicity.

He would tell his team to respect every elected official ("because you never even ran

for dog catcher, and they were sent here by the people"). He admonished us that your adversary today might be your ally tomorrow. "In a political struggle, never get personal—else the dagger digs too deep."

Jack rejected the partisanship that gripped Washington and would warn that "nothing lasts—today's minority backbencher will be tomorrow's subcommittee chairman." On the day the Motion Picture Association of America headquarters was named the Jack Valenti Building, Sen. Ted Stevens observed, "Jack works across the aisle because he doesn't see an aisle. It is the root of his success and what others ought to emulate."

Each of the six studio chiefs who spoke at the dedication ceremony emphasized that Jack's word was his bond—if he made a promise, he never wavered. His rock-solid commitment gave him unusual credibility with leaders on both coasts and around the world.

Jack was a gifted public speaker who put incredible effort into making it all look effortless. He would rework his text behind closed doors, reciting it until the cadence was just right. Jack was ebullient when a president complimented him once on the "extemporaneous" remarks he had made at the Gridiron Club. "The president couldn't believe I didn't have a prepared text. I neglected to mention that I didn't need notes because I spent several days getting ready," he said.

It was especially fun to watch Washington's most accomplished professionals try to decipher one of his homilies. They eventually got the point and often adopted the line as their own. When a project was in trouble, it was time to "hunker down like a mule in a hailstorm." [Modified from the original Texas vernacular for a family newspaper.] When prospects got even worse, "The ox was in the ditch." But every problem could be addressed if you remembered "the three most important words in the English language: Wait a minute."

When someone from the MPAA left to take a new job, Jack would say, "I like to think I teach my people everything they know. But I know I didn't teach them everything I know." That line always got a laugh. I worked with Jack for six years and was friends with him for nearly two decades. In the past few years, frankly, I thought I had gleaned every lesson he had to offer. But then I picked up the galleys of his soon-to-be-published memoir, a book that tracks his "Greatest Generation" fable. This grandson of Sicilian immigrants, decorated combat pilot, Harvard MBA ("thanks to the greatest piece of social legislation ever devised by man—the G.I. Bill"), presidential adviser and confidant of America's business leaders has left a treatise with even more rules to live by.

One paragraph is a must-read for the BlackBerry-addicted. Jack quoted Emerson's observation that "for every gain, there is a loss. For every loss, there is a gain." While lamenting the number of nights he spent away from his family, he reminded us that attending one more reception meant missing a meal around the dinner table, and one extra night on a business trip would mean one less chance to help with homework or watch a soccer game.

I have recounted that quote many times over the past few weeks. And while this loss is devastating for many in Washington and Los Angeles, the life lessons that are his legacy are our gain.

#### NATIONAL GUARD EQUIPMENT STOCKS

Mr. LEAHY. Mr. President, earlier today, we had a meeting of the Senate Appropriations Committee. Defense Secretary Gates and Chairman of the

Joint Chiefs of Staff General Pace were there. I was at that meeting. I had questions that I asked. I have been bothered since the meeting, not so much by what they said, but by what has happened in the last few days.

Every one of us, when we turn on our television set, sees the devastation in Kansas by a tornado—something we would not see in my State of Vermont. But even in a State where these are not unusual things, the devastation of this tornado was unique. I thought yesterday about how the President of the United States, through his spokesperson, blatantly dismissed the all too real concerns of the Governor of Kansas, Governor Sebelius, about the equipment levels available to our National Guard for dealing with such emergencies at home as this horrible disaster I spoke of that befell Greensburg, KS.

The White House spokesperson, sitting comfortably at the White House, said: Well, you know, there is no problem. The Guard has considerable equipment stocks still available.

Everybody who has studied the situation with our National Guard around this country knows that assertion is absurd on a number of levels. Maybe they felt they could make a political statement because the Governor is of another party. But the reality is, the Governor spoke the truth. She knows the Guard faces real, incontrovertible shortfalls in vital equipment.

Contrary to what the White House has said, the Governors—I am talking about the Governors; Republican, Democratic Governors alike—and their adjutant generals—those who are the heads of the National Guard in their respective States—are reporting something quite different than the blasé attitude of the White House.

State after State reports missing humvees, medium-sized trucks, generators, dump trucks, communications systems. These are not claims from just any observer of Guard issues; these are the leaders who have been elected by the people to provide for their security and deal with these sometimes terrifying State emergencies.

As the Presiding Officer knows, the Governors command the Guard when operating in a State, and we have to give special credence to what they say. The idea that there is no problem—this kind of dismissive "there is no problem"—is equally ridiculous because it has been clearly documented there is a very real \$24 billion equipment shortfall in Army National Guard equipment alone. Now, those are reports that do not take into consideration the shortfalls within the Air National Guard. But both the Active Army and the National Guard agree on this figure. It was developed together with the National Guard Bureau working closely with the Army staff.

To say there is no problem, on the one hand, and have an arm of the administration, on the other hand, say there is a \$24 billion shortfall—to me, that is a problem.