

political ends; to substitute ideology for science, fact, and law; and to misuse instruments of power.

If an administration rigged the intelligence process and, on faulty intelligence, sent our country to war, if an administration descended to interrogation techniques of the Inquisition, of Pol Pot and the Khmer Rouge, descended to techniques that we have prosecuted as crimes in military tribunals and in Federal courts, if institutions as noble as the Department of Justice and as vital as the Environmental Protection Agency were subverted by their own leaders, if the integrity of our markets and the fiscal security of our budget were open wide to the frenzied greed of corporations and speculators and contractors, if taxpayers were cheated and the forces of Government rode to the rescue of the cheaters and punished the whistleblowers, if our Government turned the guns of official secrecy against our own people to mislead, confuse, and propagandize them, if the integrity of public officials, the warnings of science, the honesty of Government procedures and the careful historic balance of our separated powers all were seen as obstacles to be overcome and not attributes to be celebrated, if the purpose of Government became no longer to solve problems but simply to work them for political advantage, and a bodyguard of lies and jargon and propaganda was emitted to fool and beguile the American people, something very serious would have gone wrong in our country.

Such damage must be repaired. I submit that as we begin the task of rebuilding this Nation, we have a duty to our country to determine how great that damage is. Democracy is not a static institution. It is a living education, an ongoing education in freedom of a people.

As Harry Truman said, addressing a joint session of Congress back in 1947:

One of the chief virtues of a democracy is that its defects are always visible, and under democratic processes can be pointed out and corrected.

We have to learn the lessons from this past carnival of folly, greed, lies, and wrongdoing so the damage can, under democratic processes, be pointed out and corrected. If we bind ourselves to this history, we deny ourselves its lessons, lessons that came at too painful a cost to ignore.

Those lessons merit disclosure and discussion. Indeed, disclosure and discussion makes the difference between this history being a valuable lesson for the bright and upward forces of our democracy or a blueprint for those darker forces to return and someday do it all over again. As we work toward a brighter future ahead, to days when jobs return to our cities, capital to our businesses, and security to our lives, we cannot set aside our responsibility to take an accounting of where we are, what was done, and what must now be repaired. We also have to brace ourselves for the realistic possibility that

as some of this conduct is exposed, we and the world will find it shameful, revolting. We may have to face the prospect of looking with horror at our own country's deeds.

We are optimists, we Americans. We are proud of our country. Criticism comes hard to us. But the path back from the dark side may lead us down some unfamiliar valleys of remorse and repugnance before we can return to the light. We may have to face our fellow Americans saying to us: No, please, tell us we did not do that, tell us Americans did not do that. And we will have to explain somehow.

This is no small feat and not easy. This will not be comfortable or proud, but somehow it must be done.

Chairman LEAHY has embarked on the process of considering a new commission, one appropriate to the task of investigating the damage the Bush administration did to America, to her finest traditions and institutions, to her reputation and integrity. The hearing he has called in coming days will more thoroughly examine this question to help us determine how best to move forward. I stand with him. Before we can repair the harm of the last 8 years, we must learn the truth.

REMEMBERING LARRY H. MILLER

Mr. BENNETT. Mr. President, I wish to speak of one of Utah's most outstanding citizens, Larry H. Miller, who passed away recently.

Larry Miller is a true American success story. He graduated from high school. He wasn't able to cut it in college and ended up working in a parts department in an auto dealership. Not a very auspicious beginning for someone who became a billionaire, but Larry Miller had two things that many people do not have. No. 1, he had in effect a photographic memory. I understand that if you went to Larry Miller while he was running this parts department and asked for an axle or for a head lamp or for any other auto part, he knew exactly where it was. Somehow he had that in his head and he made a tremendous success out of that. He ultimately began his career by buying an auto dealership and then built a string of 40 auto dealerships.

The other thing he had was an incredible work ethic. Larry Miller worked hard every day and demanded that kind of performance from those who worked with him.

He is best known in Utah for the fact that he was the minority owner of the Utah Jazz, the NBA's least successful team financially. The Jazz reached the point where they had to be sold because they couldn't survive anymore. They were losing money at every turn. The majority partner made a deal whereby the franchise would be sold to someone outside of the State. As minority partner, Larry Miller was required to sign the deal. He picked up the pen to sign the deal and then he couldn't bring himself to sign it, and

he turned to the majority partner and said, Sam, I can't do it. So he bought the majority partner out, kept the Jazz in Utah, and then he presided over the revival of the Jazz. They won more games. They have been in the playoffs more than most people. They have been to the national finals twice and the only reason they haven't won an NBA national championship is because the Chicago Bulls had Michael Jordan at the time. Against any other team or any other star, the Jazz would have won the NBA championship. I remember the last failed game very well, and the shot Jordan put up that won the game that was fantastic, but that was Jordan's legacy.

Larry Miller is known for all of these things, but that is not how I wish to remember him before the Senate here today, because this man, who was a philanthropist and gave his money to community colleges to help people who were more like him in terms of their academic needs, became in his later years a history buff. He fell in love with the Founding Fathers. I remember talking to Larry Miller about John Adams, about Thomas Jefferson, and recommending a book to him. He had just read McCullough's book on John Adams and I said, Have you read Joseph Ellis's book, "Founding Brothers"? He said, no. I said, I will send it to you. I got caught up in all of my difficulties and all of my distractions and realized I had failed to keep my word. So finally, with some embarrassment, I got hold of Larry and said, I apologize I have not sent you a copy of "Founding Brothers." He said, that is all right, Senator. I went out and bought one on my own. He followed through where I didn't.

He fell in love with this country, not as an entrepreneur, although he did that way; not as someone who had been very successful and blessed by this country, although he did that way; but toward the end of his life he fell in love with this country as one who studied its history and understood its underpinnings. He was generous. He was inventive. He was tenacious. The people of Utah have been more than blessed by the fact that he chose Utah as his home. We miss him terribly and extend our deepest sympathies to his family.

SPECIAL COMMITTEE ON AGING

Mr. KOHL. Mr. President, I ask unanimous consent to have the rules of procedure for the Special Committee on Aging printed in the RECORD.

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

SPECIAL COMMITTEE ON AGING—JURISDICTION AND AUTHORITY

S. Res. 4, §104, 95th Congress, 1st Session (1977)

(a)(1) There is established a Special Committee on Aging (hereafter in this section referred to as the "special committee") which shall consist of nineteen Members. The Members and chairman of the special committee

shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or affect the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

(2) For the purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)-(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)-(d), and 2(a) and (d) of rule XXVII of the Standing Rules of the Senate; and the purposes of section 202(I) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less than once a year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the serve of individual consultants or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

RULES OF PROCEDURE

I. CONVENING OF MEETINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

2. Notice and Agenda:

(a) Written Notice. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(b) Shortened Notice. A meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting on shortened notice. An agenda will be furnished prior to such a meeting.

3. Presiding Officer. The Chairman shall preside when present. If the Chairman is not present at any meeting, the Ranking Majority Member present shall preside.

II. CONVENING OF HEARINGS

1. Notice. The Committee shall make public announcement of the date, place and subject matter of any hearing at least one week before its commencement. A hearing may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing on shortened notice.

2. Presiding Officer. The Chairman shall preside over the conduct of a hearing when present; or, whether present or not, may delegate authority to preside to any Member of the Committee.

3. Witnesses. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

4. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any Member, may request and administer the oath.

5. Testimony. At least 72 hours in advance of a hearing, each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, in a format determined by the Committee and sent to an electronic mail address specified by the Committee, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his or her prepared statement. Officials of the federal government shall file 100 copies of such statement with the clerk of the Committee 72 hours in advance of their appearance, unless the Chairman and the Ranking Minority Member determine there is good cause for noncompliance.

6. Counsel. A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his or her rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

7. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed sessions and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his or her transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of trans-

scription, grammatical errors, and obvious errors of fact. The Chairman or a staff officer designated by him shall rule on such request.

8. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record; and

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf.

9. Minority Witnesses. Whenever any hearing is conducted by the Committee, the Ranking Member, to call at least one witness to testify or produce documents with respect to the measure or matter under consideration at the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the hearing.

10. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts him or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

III. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern Committee investigations or matters enumerated in Senate Rule XXVI(5)(b). Immediately after such discussion, the meeting or hearing or portion thereof may be closed by a vote in open session of a majority of the Members of the Committee present.

2. Witness Request. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his or her examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

IV. BROADCASTING

1. Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

2. Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his or her testimony cameras, media microphones, and lights shall not be directed at him or her.

V. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present.

3. Hearings. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

4. Polling:

(a) Subjects. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls. If the Chairman determines that the polled matter is one of the areas enumerated in Rule III(1), the record of the poll shall be confidential. Any Member may request a Committee meeting following a poll for a vote on the polled decision.

VI. INVESTIGATIONS

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative Reports. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

VII. DEPOSITIONS AND COMMISSIONS

1. Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule II(6).

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that

time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he or she may refer the matter to the Committee or the Member may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule II(7). If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VIII. SUBCOMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee membership, and for hearings shall be one Member.

IX. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of a majority of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

X. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

COMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate Standing Rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 24, 2009, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia adopted subcommittee Rules of Procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia.

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

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

(1) Subcommittee Rules.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

(2) Quorums.

(A) Transaction of Routine Business.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

(B) Taking Testimony.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) Proxies Prohibited in Establishment of Quorum.—Proxies shall not be considered for the establishment of a quorum.

(3) Subcommittee Subpoenas.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and