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Senate

The Senate met at 2:00 p.m. and was called to order by Nancy Erickson, Secretary of the Senate.

PRAYER

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

Let us pray.

Immortal, invisible God only wise, the fountain of every blessing, we thank You for the life and legacy of Senator ROBERT C. BYRD, our friend and colleague whose death we grieve today. We praise You for his more than five decades of exemplary service to our Nation and the citizens of West Virginia, for the way he carried out his duties with integrity and faithfulness. We are grateful that he knew when to be the gadfly, to ask the tough questions, and to challenge the status quo.

Lord, You gave him courage to make course corrections both privately and publicly and empowered him to oppose without bitterness, to compromise with wisdom, and to yield without being defeated. I thank You that he was my friend.

Lord, we pray for his loved ones, our Senate family, and all who mourn his passing. May his many contributions to our Nation not be forgotten by this and succeeding generations. May all of us who had the privilege of knowing our Nation's longest serving legislator emulate his passion, patience, and perseverance. Give him a crown of righteousness and permit him to hear You say, "Well done, good and faithful servant."

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Secretary of the Senate 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.

RECOGNITION OF THE MAJORITY LEADER

The SECRETARY OF THE SENATE. The majority leader is recognized.

MOMENT OF SILENCE

Mr. REID. I ask that the Senate observe a moment of silence for Senator BYRD.

(Moment of silence.)

ELECTING SENATOR DANIEL K. INOUE PRESIDENT PRO TEMPORE

Mr. REID. I have a resolution at the desk and ask for its consideration.

The SECRETARY OF THE SENATE. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 567) to elect DANIEL K. INOUE, a Senator from the State of Hawaii, to be President pro tempore of the Senate of the United States.

The resolution (S. Res. 567) was agreed to, as follows:

S. RES. 567

Resolved, That Daniel K. Inouye, a Senator from the State of Hawaii, be, and he is hereby, elected President of the Senate pro tempore.

ADMINISTRATION OF OATH OF OFFICE

The SECRETARY OF THE SENATE. Without objection, Senator INOUE will be escorted to the desk.

The President pro tempore-elect, escorted by Mr. REID and Mr. AKAKA respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Secretary of the Senate; and he subscribed to the oath in the Official Oath Book.

Mr. INOUE thereupon assumed the chair as President pro tempore.

The PRESIDENT pro tempore. The majority leader.

REMEMBERING SENATOR ROBERT C. BYRD

Mr. REID. Mr. President, our Senate family grieves today with the Byrd family over the loss of one of the most dedicated Americans ever to serve this country; one of the most devoted men ever to serve his State; one of the most distinguished Senators ever to serve in the Senate.

ROBERT BYRD's mind was among the greatest the world has ever seen. As a boy, he was called upon, when he was in elementary school, to stand before the class and recite not paragraphs from the assignment of the night before but pages of the night before. He did this from memory.

From his graduation as valedictorian of his high school class at the age of 16 to his death this morning as the Senate's President pro tempore at age 92, he mastered everything he touched with great thoughtfulness and skill. This good man could drive from his home here in Washington to West Virginia and back—it took 8 hours—reciting classic poetry the entire time, and not recite the same poem twice.

I was asked by Senator BYRD to travel to West Virginia to do an exchange with the British Parliament. There were a number of us there, eight or nine Senators, and a like number of British Parliamentarians. I can remember that night so well. We had the music up there he liked the best—bluegrass music—and they played. It was a festive evening.

Then it came time for the program. In the program, Senator BYRD said: I am going to say a few things. And he passed out little notebooks. He had notebooks passed out to everyone there with a little pencil. He wanted to make sure everything was just right; that people, if they had something to write, had something to write on and write with. And he proceeded, standing there without a note, to pronounce the reign of the British monarchs, from the beginning to the end. He would give the

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



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dates they served. On some of the more difficult spellings, he would spell the name. And he would, as I indicated, if it was something he really wanted to talk about that they had accomplished that he thought was noteworthy, he would tell us about that. That took about an hour and a half to do that. The British Parliamentarians were stunned. They had never heard anyone who could do anything like that, an American talking about the reign of the British monarchs. Those of us who were Senators, nothing surprised us that he could do from memory.

I can remember when he decided he was no longer going to be the Democratic leader, Senator Dole did an event for him in the Russell Building, and all Senators were there, Democratic and Republican Senators. He told us a number of things he did not do, and he told us a number of things he did do. For example, he read the Encyclopedia Britannica from cover to cover twice. He studied the dictionary. He read that from cover to cover during one of our breaks.

I have told this story on an occasion or two, but to give the depth of this man's memory—I had been to Nevada, and when I came back, he asked me: What did you do?

I said: Senator BYRD, I pulled a book out of my library on the way back. I didn't have anything to read. It was a paperback. I read "The Adventures of Robinson Crusoe."

And as those of us who can remember him, he looked at me and he held his head back a little bit and his eyes rolled back and he said: Robinson Crusoe. He proceeded to tell me—I had just read the book—how long he had been on that island: 28 years, 3 months, a week, and 2 days, or whatever it was. I was stunned. I did not know. I went back and pulled the book out to see if he was right, and he was right. He probably had not read that book in 35 or 40 years, but he knew that. What a mind. It was really stunning, the man's memory.

The head of the political science department at the University of Nevada at Las Vegas, Andy Tuttle, taught a graduate course, based on Senator BYRD's lectures on the Roman Empire.

He gave 10 lectures here on the Senate floor on the fall of the Roman Empire. He gave a lecture because he was concerned because of the line-item veto, and he felt the line-item veto would be the beginning of the end of the Senate. He proceeded to give 10 lectures on that on the Senate floor, every one of them from memory—every one of them from memory. Timed just perfectly. They ended in 1 hour. That is how much time he had been given. The original Roman Emperors served for 1 year. He could do it from memory. He knew who they were, how long they served, knew how to spell their names—truly an unbelievably brilliant man.

He is the only person who earned his law degree while he was a Member of

Congress. What he accomplished is really very long. His thirst for knowledge was simply without equal.

Senator BYRD once observed that the longer he lived, the better he understood how precious the gift of our time on Earth was.

I quote Senator BYRD:

As you get older, you see time running out. It is irretrievable and irreversible. But one should never retire from learning and growth.

ROBERT BYRD never retired from anything. He served in the Senate for more than half a century and the House of Representatives for 6 more years, and he dedicated every one of those days to strengthening the State and the Nation he loved so dearly. He never once stopped fighting for the good people of West Virginia and for the principles in our founding documents. He was forever faithful to his constituents, his Constitution, and his country. He fought for what he thought was right, and when he was wrong, he was wise enough to admit it, and he did admit it a few times.

Senator BYRD's ambition was legendary. He took his oath in this Chamber on January 3, 1959, the same day Alaska became our 49th State. He told the Charleston Gazette newspaper in that freshman year:

If I live long enough, I'd like to be Chairman of the Senate Appropriations Committee.

Thirty years later, he was, and then he lived and served for 21 more years. His legislative accomplishments are many, and those achievements fortify his incomparable legacy. But he is perhaps best known in this Chamber as the foremost guardian of the Senate's complex rules, procedures, and customs. He did not concern himself with such precision as a pastime or mere hobby; he did so because of the unyielding respect he had for the Senate—a reverence the Senate always returned to him and now to his memory.

With ROBERT BYRD's passing, America has lost its strongest defender of its most precious traditions. It now falls to each of us to keep that flame burning.

Throughout one of the longest political careers in history, no one in West Virginia ever defeated ROBERT BYRD in a single election. In Washington, his fellow Democrats twice elected him to lead us when we were in the majority and once more when we were in the minority. Having seen both sides, he knew better than most that legislating is the art of compromise. Many years ago, in this Chamber where he served longer than any other Senator, Senator BYRD taught a heartfelt history lesson to guide our future. It was a lesson about both the Constitution and this institution. He said:

This very charter of government under which we live was created in a spirit of compromise and mutual concession. And it is only in that spirit that continuance of this charter of government can be prolonged and sustained.

In his tenure he saw partisanship and bipartisanship, war and peace, recession and recovery. His perspective and legacy are invaluable to the way we carry ourselves as United States Senators. It is instructive that the man who served the longest and saw the most concluded we must work together as partners, not partisans, for the good of our States and our country.

In 1996, ROBERT BYRD spoke to a meeting of incoming Senators and reminded them that the Senate is still the anchor of the Republic. Senator BYRD was the anchor of the Senate. There will never be another like him.

He was a Member of this Nation's Congress for more than a quarter of the time it has existed, and longer than a quarter of today's sitting Senators and the President of the United States have been alive. His political career spanned countless American advances and achievements. A dozen men called the Oval Office his own while Senator BYRD called the Capitol Building his office—and he would be the first to remind us that those two branches are equal in the eyes of the Constitution. I have heard him say so many times that we work with the President, not under the President.

The nine times the people of his State sent him to the Senate and the more than 18,500 votes he cast here will never be matched.

As the President pro tempore and I, and each of us fortunate enough to be here, have the privilege of knowing firsthand, it was an incomparable privilege to serve with him and learn from this giant. By virtue of his endurance, ROBERT BYRD knew and worked with many of the greats of the Senate. Because of his enduring virtue, he will be forever remembered as one of them.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will turn to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each. Following leader remarks, the Senate will resume consideration of the motion to proceed to H.R. 5297, the small business jobs bill. At 5 p.m., the Senate will proceed to executive session and debate the nomination of Gary Feinerman to be a Federal judge—that will be until 5:30—with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees. There will be a series of two rollcall votes at 5:30. The first vote will be on the motion to invoke cloture on the motion to proceed to the small business jobs bill. The second vote will be on the confirmation of the Feinerman nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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