

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 fortunately—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.

H.R. 1255 is a bipartisan bill that merely seeks to clarify the process under which the Presidential Records Act is to be implemented. The bill seeks to nullify President Bush's Executive order by limiting claims of executive privilege to the President and to former Presidents in requiring that the President notify the Archivist of any claims of executive privilege within 60 days preceding a notice of a request for a document with an additional 30 days if requested. These measures essentially return the process to the procedural framework that had been in place since President Reagan issued his original Executive order.

This is an important matter that deserves to be brought to a vote in the Senate. There is strong bipartisan support for the reasonable approach to the Presidential Records Act that is contained in H.R. 1255. Now is not the time, in my view, for political ploys but for, instead, a thoughtful debate and an ultimate vote on this bill.

Two weeks ago, the U.S. District Court for the District of Columbia ruled that Executive Order 13233 is, in part—this is the Executive order President Bush entered—invalid in requiring the Archivist of the United States to delay release of the records of former Presidents at their request as permitted under the order. The Court found that the Archivist's reliance on section 3(b) of that Executive order is without constitutional basis and violates the Administrative Procedures Act. This holding gives us clear direction in legislatively addressing the problems that have arisen as a result of Executive Order 13233.

Under the Presidential Records Act, there is a clear and an unequivocal assumption that the records of a President's administration belong to the people of this Nation, barring the national security interests or an executive privilege claim. The people of this Nation hired the President. His work is undertaken on behalf of the people. Can anyone doubt that the Nation is made stronger and our Government and the electorate are better served by the study of the actions of past Presidents? This is not a matter of trying to uncover dark secrets; rather, it is in everyone's interests and certainly in the interests of this Nation that scholars, students, and the public have access to the records of former Presidents in order to fully understand and appreciate the work of those Presidents and to provide guidance for future Presidents and future administrations.

I strongly urge that H.R. 1255 be brought to the Senate floor for debate and for ultimate passage.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

Mr. REID. Mr. President, would the Senator withhold?

Mr. BINGAMAN. I certainly do withhold.

#### RECORD CORRECTION

Mr. REID. Mr. President, I made a mistake in my statement a few minutes ago. I have known Vicki Kennedy for many years. My staff tells me I mispronounced her name. That was certainly not intentional. I know Vicki. She was so kind and thoughtful to call me very early Saturday morning to let me know Ted was going into the hospital and I asked her to please call me when the surgery was finished, and Vicki did that. I called her Jackie for reasons unknown to anyone other than whoever puts words in my mouth. I want the RECORD to be corrected.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, my understanding is that we are in morning business, and the minority side is actually allocated certain amounts of time. They are not here.

I ask unanimous consent that I may speak in morning business, with the understanding that if someone on the minority side comes to speak in morning business on their time, I will relinquish the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. DORGAN. Mr. President, I believe midweek this week the House will take up the veto override of the President's veto on the Children's Health Insurance Program. There has been a lot of discussion about what this Congress has or has not done. I think despite all of the obstacles and roadblocks we have made progress in a wide range of areas. But the one in which we have made significant progress, which I am very proud of, is expanding children's health insurance coverage.

Regrettably, we have a lot of children in this country who have no health insurance coverage at all. So the question of whether when they are sick they have a doctor to go to is a function, in many cases, of whether the parents have any income or any money in their checkbook or in their pockets. Many times those children get no health care.

In 1997, we put in place the Children's Health Insurance Program. We know it works because we have had it for 10 years. In my State, for example, the Children's Health Insurance Program is not a government program that has

created more bureaucracy. It is a block grant to my State that is used by State government to purchase health insurance from Blue Cross/Blue Shield and cover children who have no health insurance. Most States do that.

This is not a big government program. This Congress passed a bipartisan piece of legislation. Let me emphasize that it is a bipartisan piece of legislation expanding health insurance coverage for children. I am proud that we have done that. In the Senate, we had 67 Senators vote in favor of it. Two Senators who were in favor of that bill were absent at that time, so that is 69 Senators who said, yes, let's expand the program. It was fully paid for. It doesn't increase the debt by one penny. It expands the program and would allow 3.8 million additional children in this country to have access to health care coverage.

Mr. President, I don't know what is in second or third or even fourth place in terms of people's priorities. I know what is in first place for most people: their children and their children's health.

The President says he vetoed this legislation because it is big government. He vetoed this legislation because he says it would cover kids at the family level of income of \$83,000. The President knows better than that. He wasn't telling the truth. Let me just, if I can, speak a bit of truth to this issue. This is not big government. Contrary to most of what the President is sending down to the Congress, this is paid for. Contrast this children's health insurance—a proposal from the Congress that is paid for—with the proposals that sit in front of the Congress from the President for Iraq and Afghanistan to prosecute the war. Right now, we have a \$189 billion request by this President to continue funding the war in Iraq and Afghanistan. Not one penny of it is paid for.

We send the soldiers to war, and the President says let's send them the bill later when they come home and they can help pay for it. Contrast that with what we have done with children's health insurance. It is \$35 billion over 5 years, all of it paid for, and 3.8 million children, who at this point don't have access to health insurance coverage, will get that coverage. Is that something we ought to be proud of? In my judgment, it is. Now, the President, when he vetoed this, he said this is going to provide coverage to kids whose parents are at the \$83,000 level. That is not the poverty level. There is no \$83,000 level. That was a level requested by the State of New York, which was not approved.

It is true that there are a number of States that cover children from families who have incomes above the 200-percent level of poverty, but let me point out that this George W. Bush administration approved these expansions, and I will give an example. In 2003, New Jersey applied for a waiver to be able to cover parents in their program. Secretary Thompson of the Bush