

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arisen, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:14 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

USA PATRIOT ACT ADDITIONAL  
REAUTHORIZING AMENDMENTS  
ACT OF 2006—Continued

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Ohio, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FEINGOLD. Mr. President, in a few minutes the Senate is going to vote on whether one small group of Senators, with the blessing of the majority leader, can effectively amend a conference report while other Senators are precluded from offering amendments by a procedural tactic. I urge my colleagues, regardless of their views on the White House deal or PATRIOT Act reauthorization, to vote against cloture. Senators should not be precluded from offering amendments to important pieces of legislation.

In December, 46 Senators voted against cloture on the PATRIOT Act reauthorization conference report. The deal we are asked to bless today makes only minor or, in the words of the Senator from Pennsylvania, "cosmetic" changes to that conference report. But regardless of whether you agree with me that the deal does not address the key civil liberties issues identified as problems with the conference report in December, there is no question this is a deal the vast majority of the Senate had no role in. A few Senators worked out a few changes with the White House, and we are now being asked to take it or leave it. That is not how the Senate is supposed to work.

I have filed four reasonable amendments. They reflect provisions that were included in the bill the Senate passed in July without objection or that were central to the concerns raised by so many Senators late last year. They are so reasonable the Senator from Pennsylvania plans to introduce a bill incorporating them and has pledged to pursue it after the conference report becomes law. There is no reason we should put off addressing these important concerns that long when we could be debating and voting on them this week.

I am also willing to have time agreements limiting debate on my amendments as long as they get votes. But, again, the majority leader has simply

said no. He has filled the amendment tree, effectively blocking me or any other Senator from trying to improve this bill during debate. The majority leader has told us the conference report will be amended by this deal cut with the White House by a few Senators, and there is nothing the rest of us can do about it.

But, of course, there is something we can do about it. We can reject this parliamentary game. These kinds of strong-arm tactics are not right. They are an abuse of the process. They are beneath the Senate, and I hope my colleagues will send a strong message that it will not be tolerated on this bill or any other bill. So I urge my colleagues to vote no on cloture and to allow the Senate to consider amendments to improve the PATRIOT Act.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MAKING AVAILABLE FUNDS FOR  
THE LOW-INCOME HOME ENERGY  
ASSISTANCE PROGRAM, 2006—MO-  
TION TO PROCEED

## CLOTURE MOTION

Mr. FRIST. Mr. President, I now move to proceed to Calendar No. 363, S. 2320, the LIHEAP bill, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2320: a bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

Bill Frist, Lindsey Graham, John Warner, Norm Coleman, Lisa Murkowski, George Allen, Lamar Alexander, Elizabeth Dole, Rick Santorum, Susan Collins, Mitch McConnell, Ted Stevens, Christopher Bond, George Voinovich, John Thune, Johnny Isakson, Orrin Hatch, Craig Thomas.

Mr. FRIST. Mr. President, I now withdraw the motion.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

USA PATRIOT ACT ADDITIONAL  
REAUTHORIZING AMENDMENTS  
ACT OF 2006—Continued

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule

XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2271: to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Bill Frist, Arlen Specter, Thad Cochran, Richard Burr, Mel Martinez, Jim Bunning, Jon Kyl, Craig Thomas, Mike Crapo, David Vitter, Bob Bennett, Norm Coleman, Michael B. Enzi, Lindsey Graham, Jeff Sessions, Saxby Chambliss, John Cornyn, John Thune.

Mr. REID. Mr. President, I rise to explain why I will oppose cloture on the PATRIOT Act Amendments Act. In brief, I will vote against cloture to register my objection to the procedural maneuver under which Senators have been blocked from offering any amendments to this bill.

While I will vote against cloture, I nonetheless support the underlying bill offered by the Senator from New Hampshire, which improves the PATRIOT Act. The Sununu bill puts in place more checks on the expanded authorities granted to the Government by the PATRIOT Act, without interfering with the Government's ability to protect Americans from terrorism.

I support the PATRIOT Act. I voted for it in 2001, and I voted for a reauthorization bill that passed the Senate unanimously last summer. In December, however, I voted against cloture on a conference report to reauthorize the PATRIOT Act. I opposed that bill because it returned from the House-Senate conference without adequate checks to protect the privacy of innocent Americans.

In my view Congress should give the executive branch the tools it needs to fight terrorism, combined with strong oversight to protect against Government overreaching and abuse of these tools.

Senator SUNUNU has negotiated several needed improvements with the White House. His bill would allow for judicial review of the gag order imposed by the PATRIOT Act when the Government seeks business records. It would also restrict Federal access to library records, and it would eliminate the requirement that recipients of a national security letter tell the FBI the identity of any lawyer they consult.

The Sununu bill is a step in the right direction, and therefore I will support it.

Of course even a good bill can be improved. That is why we have an amendment process in the Senate. The junior Senator from Wisconsin has tried to offer a small number of relevant

amendments that I believe would make this bill even better. I am disappointed that he has been denied that opportunity by a procedural maneuver known as "filling the amendment tree."

This is a very bad practice. It runs against the basic nature of the Senate. The hallmark of the Senate is free speech and open debate. Rule XXII establishes a process for cutting off debate and amendments, but rule XXII should rarely be invoked before any amendments have been offered. There is no reason to truncate Senate debate on this important bill in this unusual fashion.

I will vote against cloture to register my objection to this flawed process.

I expect that cloture will be invoked and that the Sununu bill will pass. I also expect that the PATRIOT Act reauthorization will pass, now that it has been improved. But the passage of these measures should not be the end of our work. The Senate should continue the effort to strengthen civil liberties in the war on terror.

I welcome the bill of Senator SPECTER which includes many of the improvements Senator FEINGOLD seeks. I look forward to working with him to have his legislation enacted into law as soon as possible.

In this and other areas, we should give the Government the tools it needs to protect our national security, while placing sensible checks on the arbitrary exercise of executive power.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 30, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—69

Alexander	Craig	Kyl
Allard	Crapo	Landrieu
Allen	DeMint	Lincoln
Bennett	DeWine	Lott
Biden	Dole	Lugar
Bond	Domenici	Martinez
Brownback	Ensign	McCain
Bunning	Enzi	McConnell
Burns	Feinstein	Murkowski
Burr	Frist	Nelson (FL)
Carper	Graham	Nelson (NE)
Chafee	Grassley	Pryor
Chambliss	Gregg	Roberts
Clinton	Hagel	Rockefeller
Coburn	Hatch	Santorum
Cochran	Hutchison	Schumer
Coleman	Inhofe	Sessions
Collins	Isakson	Shelby
Conrad	Johnson	Smith
Cornyn	Kohl	Snowe

Specter	Talent	Vitter
Stevens	Thomas	Voinovich
Sununu	Thune	Warner

NAYS—30

Akaka	Durbin	Menendez
Baucus	Feingold	Mikulski
Bayh	Harkin	Murray
Bingaman	Jeffords	Obama
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Cantwell	Lautenberg	Salazar
Dayton	Leahy	Sarbanes
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Democratic leader.

SENATOR LEAHY'S 12,000TH VOTE

Mr. REID. Mr. President, today PAT LEAHY, senior Senator from Vermont, reached a Senate milestone, to say the least. A few minutes ago he cast his 12,000th vote. He has voted in the Senate 12,000 times. This is quite an accomplishment. He joins a very elite club, led by the distinguished senior Senator from West Virginia, Senator BYRD, who has voted more than 17,000 times; Senator KENNEDY, more than 14,000 times; Senator INOUE, more than 14,000 times; Senator STEVENS, more than 14,000 times; Senators BIDEN and DOMENICI, just over 12,000 times.

PAT LEAHY came to the Senate in 1974, the youngest Senator in Vermont history and the only Democrat ever elected to the U.S. Senate in the entire history of the State of Vermont—the only one, the first and only. He has been in the Senate 32 years. In each of those votes, Senator LEAHY voted to make Vermont a better and stronger place.

Senator LEAHY has a lot of things in mind when he comes to cast a vote, but No. 1 on the list is Vermont. That is one of the principal reasons Vermont is a great place to live, work, and raise a family.

I have worked very closely with PAT LEAHY. He is a Senator's Senator. He is able to be as partisan as any Senator we have, but he is also a person who can be as bipartisan as any Senator who has ever served in the Senate. The first example of that is his work with his colleague, the chairman of the Judiciary Committee, ARLEN SPECTER of Pennsylvania.

I like PAT LEAHY for lots of reasons. His legislative skills, of course, are one of the reasons. But, to me, everything pales when I think of his wife Marcelle. She is a wonderful human being. PAT LEAHY is who he is because of the wife he has chosen. They have been married more than 40 years. She is a registered nurse. Marcelle Leahy is as kind and gentle as anyone would expect a nurse to be. I care about her a great deal.

PAT and Marcelle are very proud of their three children and certainly very proud of their grandchildren. All of us who have been in talking distance of

PAT LEAHY have heard about his grandchildren. He is not bashful about bragging on his grandchildren. His newest grandchild was born earlier this month—in fact, about 27, 28 days ago.

I don't think Vermont could ask for anyone better than PAT LEAHY. I have been very impressed with his work. On the Judiciary Committee, he has been an advocate for fairness. He has worked with us on judges. It has been difficult and tiresome at times, but he has always done what I believe to be an outstanding job and a fair job.

For farmers, his work on issues relating to dairy has been historic. He has saved hundreds of family farms just in Vermont, and thousands and thousands around the country in his work on agriculture. His environmental credentials are unsurpassed by anyone.

Some would question his musical taste, but as far as I am concerned, that is also great. Emmylou Harris, to whom he introduced me, is my favorite. I think I met her personally because of a birthday party PAT LEAHY had. Then, of course, I am happy to say that PAT LEAHY and I are Deadheads.

He is a wonderful man and a great Senator. I congratulate him on reaching this milestone and look forward to watching him cast thousands of votes in the years ahead.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I join in paying tribute to the distinguished Senator from Vermont, Senator LEAHY. Our friendship precedes the service of both of us in the Senate. I first met Senator LEAHY at the National District Attorneys Convention in Philadelphia in 1970. Senator LEAHY was the district attorney of Burlington, VT, and I was the district attorney of Philadelphia. That friendship was renewed when I was elected to the Senate in 1980. Senator LEAHY had already been here for 6 years. We have worked together for 25 years plus on Judiciary and Appropriations and on the Subcommittee on Labor, Health, Human Services and Education. It has been a very close working relationship, and never as close as it has been for the past 14 months as we have worked together on the Judiciary Committee with some very significant accomplishments for the Senate and for the American people.

Last year, when I had a problem or two, besides working with Senator LEAHY on the administration of the Judiciary Committee I had a period where I was bald. On our frequent visits together, the only way we could be distinguished was by the color of our ties. I usually wore red and he customarily wore green, so people knew who was who.

Earlier today I received this picture of Senator LEAHY with his new grandson. The grandson is a few weeks old, but I am pleased to report to C-SPAN viewers, if there are any, that the grandson has more hair than Senator LEAHY.

PAT LEAHY is a great Senator and he is a great friend. It is a great achievement to cast 12,000 votes. I have been here for a good many of them, and he has even been right some of the time. I am delighted to join in praising my good friend Senator PAT LEAHY.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, when you reflect back to that many votes, that many thousands of votes, very quickly you could go back and look at various issues PAT LEAHY has been involved with. I think that is important to do. It reflects a great legacy for our country, what he has stood for, the values and principles.

I wish to add to the accolades what I have found, and that is, as I have gone around the world over the last several years in humanitarian causes, part of which is done as official CODELs as a Senator but even more than that as a volunteer physician, going on the ground into communities, into villages all over the world, what is interesting to me—people don't care about the majority leader, they don't care about the typical names you hear from the Senate floor, but PAT LEAHY's name comes up again and again from the underserved, from the people who have suffered the tragedy of landmine injuries. It is remarkable. It is something we don't talk about on the floor a lot. But to have real people thousands of miles away coming forward with his name reflects the great legacy he leaves, that he continues to leave, and I am sure there will be another 12,000 votes as we come forward.

I do want to express both to him and to Marcelle, a nurse, who greatly influenced his life and for whom he has so much love that he expresses so directly to so many of us in casual conversations or the sorts of occasions that people don't see—that is the PAT LEAHY I want to recognize today—congratulations.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, it has been my distinct pleasure to be either the ranking member of the Foreign Operations Subcommittee or the chairman with my good friend PAT LEAHY. Part of what Senate etiquette tells us is we are supposed to refer to each other as "my good friend," but in the case of PAT LEAHY, it is not only Senate etiquette but it is the case that he has become a good friend.

Twelve thousand votes is quite an accomplishment, but beyond that, I have enjoyed the spirit of bipartisanship with which we have pursued each Foreign Operations Appropriations bill for each of the last 14 years, whether he was chairman or I was chairman. We tried to develop the expenditures of the Federal Government in a way that made sense for America and also had an impact on the rest of the world.

The majority leader has mentioned the landmine crusade Senator LEAHY has led for a long time. He is indeed

known around the world for that. It has been an extraordinary crusade. He deserves enormous credit for leading it and is widely known around the world for that.

I thank him for his extraordinary service over the last 14 years in which I have been associated with him. It has been a pleasure to work with him every year. I, too, wish him 12,000 more votes. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it is hard to put in words what I feel as I listen to my good friends, HARRY REID and ARLEN SPECTER, BILL FRIST and MITCH MCCONNELL, saying such nice things. They are friends. We work together. HARRY—I should say, following Senate protocol, the distinguished Senator from Nevada, Senator REID—was kind enough to first and foremost mention my wife Marcelle. There is no conceivable way I could have accomplished any of this without Marcelle. She has been my guiding light for well over 40 years. Nothing I have done could I have accomplished without her.

Senator SPECTER was kind enough to hold up the picture of the latest member of our clan, Patrick Lucas Jackson. I think of that because I came here holding the actual pictures in my mind of my three children, Kevin, Alicia, and Mark, and their spouses, Carolyn, Lawrence, and Kristine, but also the pictures of four wonderful grandchildren: Roan, Francesca, Sophia, and now Patrick. To have them mentioned I realize there is another generation, and I hope their children will be proud of what their father does, but I especially hope the grandchildren, who will be the hope of our future, will feel the same way.

BILL FRIST, the distinguished Republican leader, and Senator MITCH MCCONNELL, the distinguished deputy Republican leader, were kind to speak of the landmine issue and things we worked out together—both of them being Senators who have done so much in that same area.

Sometimes we deal in issues people look at as just local issues or issues that affect only a few. What we have done in this case—Senator MCCONNELL, who was so good to move to name the war victims fund the Leahy War Victims Fund—is something I will never forget; Senator FRIST, who voluntarily goes into parts of Africa and elsewhere to use his medical skills. We talk of these kinds of things—the landmine issue; things Senator MCCONNELL and I have done to bring medicine to parts of the world that never see it; efforts to eradicate polio, childhood diseases, to bring to people the ability to actually feed themselves. The people we help don't contribute to campaigns. When Senator MCCONNELL and I pass a bill here on the floor, they don't know who we are. They do not know whether it is Republicans or Democrats. None of them know that. We will never meet most of them, but we like to think—I like to think—we have made their lives better.

We speak of what we bring to this body. We all come from different backgrounds. It is not just our political background; it is how we are raised, it is what our faith is. And if we believe in the best of what we learned when we were being raised or the best of what it is we believe in, then we have to help these people who will never be helped otherwise, and I have been proud to do that. I like to think what was instilled in me by my parents, Howard and Alba Leahy or in Marcelle by her parents, Phil and Cecile Pomerleau, brought about some of this, or just the upbringing in the special little State of Vermont.

I will close with this. I didn't expect to say anything, but I was kind of overwhelmed by what was said by a dear friend like ARLEN SPECTER, whom I have known since we were both prosecutors, a job that some days we think was the best job we ever had. It made me reflect on what a great honor it is for all of us, Republicans and Democrats and Independents, to serve in this body. Only 100 of us get a chance to do it at any one time, and someday we will be replaced by others. What an honor it is to be here and what a responsibility it is.

I have seen the Senate go through many changes, but I have also seen the personal relationships the press doesn't see, the public doesn't see, the personal relationships we have built across the aisle and with each other. When we do, the country is better, the Senate is better, and people's lives are better.

I must say that I was awed and humbled the first day I walked on the floor as a 34-year-old to be sworn in, where 30 minutes before I was the State's attorney sitting in a county in Vermont and 30 minutes later was then the junior Senator from Vermont. I still feel that same awe every time I walk on this floor. The day I stop feeling that awe, I will stop walking here.

With that, I have said more than Vermonters usually do. I yield the floor.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BUNNING. Mr. President, I come to the floor to speak about the PATRIOT Act. I support the reauthorization of this law. It is vital we reauthorize it and make it permanent. Finally, we will be able to move this reauthorization forward with a series of votes this week. It has been lingering out there too long, especially since the House passed it over 2 months ago.

The Senate needs to be taken seriously in the domestic fight against terrorism. Two months is too long to wait. I fear our delays have sent the wrong message to our antiterrorism investigators and prosecutors as well as those who would do us harm.

In this body I hear a lot of critics of the President and his efforts to fight terrorism. Those critics always have problems but rarely do they have any solutions other than to do nothing. Doing nothing led us to 9/11, and we would be foolish to go back.

The PATRIOT Act was one of the first things we did after September 11 to make sure something like that never happens again. It passed the Senate 98 to 1. This Chamber can be pretty partisan at times, but at that time 98 Senators thought it went far enough to protect civil liberties.

But now we hear how the PATRIOT Act is bad. The conference report we received in December makes permanent most of the expiring provisions of the existing law but with additional protections for civil liberties. But that was not enough, and 47 Senators filibustered the bill. So here we are today, 2 months later, about to pass some changes to the conference report and finally send something to the President.

Now, do not get me wrong. I think the improvements in the conference report are positive. We absolutely should write protections into the law where they do not tie the FBI's hands in stopping terrorist attacks. But the FBI was not using the PATRIOT Act to bother law-abiding Americans. We did not need to delay the law for 2 months. And we do not need to rewrite it from scratch, as some of my colleagues in the body are suggesting.

It is important to protect Americans' civil liberties, and the original PATRIOT Act and the updated one do this. But I think some Senators are missing the point. Civil liberties do not mean much when you are dead. And that is what the PATRIOT Act is about: stopping us from ending up dead at the hands of terrorists.

Some Senators make the PATRIOT Act sound like some huge expansion of law enforcement powers. That is simply not true. The PATRIOT Act brought our laws up to date with modern technology. It gave antiterrorist investigators the same tools as other investigators, and it tore down the artificial wall between intelligence and law enforcement. In other words, it removed the legal barriers that kept us from being able to prevent things like the September 11 attacks.

As Senators, it is our job to fix the laws when they put Americans in danger. It is sad that it took September 11 for those problems to be exposed. But it is even sadder still that some want to second-guess those changes and turn our antiterror laws into a partisan issue. But the safety of Americans is not a partisan issue. We have to do everything we can within the Constitution to protect Americans from both foreign and domestic threats. We all swore an oath to do so when we joined this body.

The PATRIOT Act is critical to protecting Americans, and now is the time to pass this bill once and for all.

Just last week, we were reminded that there are those in America who want to do us harm. Three men in Ohio were indicted for conspiring to commit acts of terrorism, including trying to make bomb vests that could be used on the battlefield in Iraq or in a shopping mall in America. The enemy is not sleeping, and now is not the time for us to lose our resolve.

Under the PATRIOT Act, we have captured over 400 terrorist suspects. That is a lot of people who want to do us harm. Over 200 terrorists have been convicted or pled guilty in investigations helped by the PATRIOT Act.

Using the PATRIOT Act, our investigators have seized cash and drugs being used to fund terrorism. They have also captured weapons and broke up plans to smuggle weapons into the country, including antiaircraft missiles.

Home-grown terrorists have been caught, also. The list of successes goes on and on. There are terrorists behind bars instead of advancing plots against us because of the PATRIOT Act tools and, more importantly, there are many Americans alive who may be dead if those terrorists were successful in carrying out their plots.

We need the PATRIOT Act. We need to get it reauthorized and signed into law. Our terrorist investigators need their tools to be permanent. This gives them certainty. We need to send a strong message to the terrorists that we will come after them with everything we can.

I urge my colleagues to support these bills and to drop their obstruction so we can do our job to protect all Americans.

I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

#### BUDGET PRIORITIES

Mrs. MURRAY. Mr. President, as we return from the President's Day recess, the Senate will be debating the future direction of our country.

This debate will come in the form of the discussions we have on the Federal Government's budget.

A budget is a statement of our priorities. Families across our country make difficult decisions every day while living within their own budgets, choosing one priority over another and working hard to fulfill their own American dream.

Likewise, our national budget and the way we spend tax dollars reflects our priorities as a Nation. We make

difficult choices, establish priorities and try to set our Nation on a course to prosperity.

Unfortunately, the President's recent submission of his fiscal year 2007 budget and subsequent request for supplemental appropriations for the ongoing war in Iraq do not reflect the priorities our Nation needs to move ahead, and it makes the wrong choices in spending and saving.

Taken together, they represent a callous disregard for fiscal reality and a failure to prioritize our country's most important needs.

No American family would dare manage their finances this way, and I am on the floor today to say that we must take a different course.

In the 3 years since the start of Operation Iraqi Freedom, our country and Congress have stood with the President in staunch support of our troops.

While we are both proud and duty-bound to provide the resources our men and women in uniform need to do their jobs safely and effectively, it is disingenuous to continue to ask for "emergency" spending to pay for military action that has been ongoing for years.

Year in and year out, the President asks the Congress to provide the resources for his Iraq policy outside the bounds of the traditional budget process, and in each one of those years, concerns over accountability swell and demands for a plan that will allow our troops to fulfill their mission and return home go unanswered.

Like every American, we all want to succeed in our mission in Iraq. We want to achieve our military and policy goals, and to bring our troops home safely.

We know that this will require sacrifice and that a U.S. presence will be required for some period of time.

Despite these obvious facts, the administration continues to operate from the pretense that the cost of this ongoing war is unknowable and thus requires emergency spending.

The continued adherence to this policy deliberately misleads the American people about the cost of this war.

But it also misses a central point, the real emergency is here at home in our classrooms, in communities from the Gulf Coast to the Pacific Northwest, in our hospitals, and in our firehouses.

The Senate has shown unwavering support for our men and women fighting overseas. These heroes deserve every bit of aid we can provide—be it the best body armor, the best equipment, or the best pay and health care.

Time and again Democrats have stood shoulder to shoulder with the Bush administration to do just that—and in many cases we have pushed to provide more than the President requested for our troops, our veterans, and their families.

My concern—and I know many of my colleagues share it as well—is that while we provide the best for our men

and women overseas, we are doing far less for the men, women and children fighting to get ahead on our own shores.

They too deserve the best—the best education, the best health care, and the best protection from terrorist attack. I don't think anyone in this Chamber today can honestly say that we are achieving that goal.

I am here to say that this Senator will not stand idly by as we send billions to support and protect the heroes overseas while cutting basic needs for the heroes waking up every morning across our great Nation trying to provide themselves and their children a better life. We can and must do both.

So, as the Senate prepares to consider the budget and support our troops, I am going to ask that we stand up to protect and support hard working American families right here at home. That means: Providing affordable, accessible health care for every American, ensuring the best education for our young people, taking care of our veterans when they return home, pointing our Nation down a path toward energy, independence, and protecting our homeland from both terrorists and natural disasters.

The costs of mismanagement, corruption, and lack of investment at home are creating a crisis of confidence in our current path among the American people. We must change course.

There is precedent in our Nation's history for future oriented investment during difficult times—in fact, troubled times demand that we don't just wallow in current events, but better prepare for our future.

In 1862, our great Country was torn apart. The Civil War defined our Nation and determined our future. But war was not the only thing that was debated that year, and war was not the only thing that determined our Nation's fate: 1862 was also the year that legislation creating the land-grant college system was passed by Congress and signed into law by President Lincoln.

Think of it, in the midst of war, when the Union's very existence was in question, our leaders took the forward looking step of establishing a path by which average Americans could improve themselves and contribute to the welfare of our Nation. And you know what—it worked.

Today, those same land-grant colleges and universities are the envy of the world because of the great education they provide many Americans and the economic benefit they provide to our country.

Today, we too, are in the grip of war, and there are forces arrayed against us that seek to do us real and lasting harm—we must combat our enemies with every ounce of energy we have.

But like previous generations of American leaders, we also have an obligation to prepare the American people for the challenges we will confront in the future and to ensure that we are

strong and secure in meeting those challenges head-on. Today, our efforts in this regard are woefully inadequate.

To be strong in the future—to have the ability to fight the wars of the future, create the economy of the future, and lead the world in human liberty and freedom—we must create an environment of hope and opportunity here at home. And yes, this is an emergency.

We all support our troops, and we will support the President's efforts to provide for their well-being and to ensure that they have the tools and resources they need to carry out their missions.

But, candidly, we must be able to both support our troops and create a country full of hope and optimism for them to return to.

To accomplish this we need to make changes in policy and allocation of resources, and I am going to demand that we consider these important questions when we debate the budget and the Iraq war supplemental appropriations request.

As I have said before on this floor, the Federal budget is the statement of our priorities as a people, and it should be a moral, thoughtful document.

Today, America's need for sound fiscal policy and a solid commitment to prosperity at home is not being met.

We can do better. If the President and the majority won't lead our country toward a more hopeful, prosperous future, then we will.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak and have my speech recorded as if in morning business. I will use the time allotted with my hour postcloture.

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

(The remarks of Mr. DORGAN pertaining to the introduction of S. 2341 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

#### PRESCRIPTION DRUGS

Mr. DURBIN. Mr. President, during this President's Day recess, I journeyed to Illinois and made stops in several cities. There were many places to visit, but I chose to visit drugstores. In each one of these towns, large and small, I sought out pharmacists—whether it was Collinsville, IL, or Decatur, IL, or Chicago—to talk about the Medicare prescription Part D plan. I thought the pharmacist was the right person to speak to because these pharmacists are on the front line in health care. Across America, many Americans view the pharmacist as their friend when it comes to their medical conditions and their health. So they have a good, trusting relationship.

Also, of course, Medicare prescription Part D is the first time we are trying to provide prescription drugs to people under Medicare, something we should have done from the beginning, but we are doing now. We are not doing it very well.

What I learned during my visit to Illinois is the fact that there are thousands of people in my home State who are struggling to make the right decision when it comes to their Medicare prescription drug program. They are struggling because there are some choices, and the choices are very difficult to evaluate. In Illinois, there are about 42 different plans from which seniors can choose. If you seek the information on the plan, you are directed to a Web site. A Web site may be of value to many people who are following the Senate proceedings, but to many senior citizens it is terror incognito; it is unknown territory.

Only one in four senior citizens have ever logged onto a computer. They do not have the luxury of going to the appropriate Web site using their mouse to click through the options trying to figure out the best choice. They are lucky, in many cases, to have one of their kids who will sit with them and work through the options.

But, I tell you, some of the professional people I run into, educated people I run into, quickly tell me that this is not an easy thing to navigate. With 42 plans, you had better make the right choice.

Most seniors start with the basic drug they are currently taking and they go to the prescription drug plan to see if that drug is offered by the drug plan. Then they calculate the prices of the drugs to try to determine how much they are going to have to spend to get into the program, or once in the program how they will pay for their drugs. What they come to learn, to their chagrin, is that many of the drugs which are part of the formulary or the drugs that are being offered in a program today are changed tomorrow. The drug you needed, the drug you are looking for may be discontinued tomorrow.

In other words, instead of a discount you may have to pay the full price. It is really a classic bait-and-switch situation.

Second, the price that is quoted to you for this drug may change as well. It is like following the stock market. You have had two different plans. These seniors are trying to choose the right one. The drugs that are covered can change day to day. The prices can change day to day. And seniors have to make their choice and live with it for a year.

It is fundamentally unfair. It is unfair that the drug plans can change right as these seniors have made their choice. And the seniors can't change their drug plan for a year.

I have introduced legislation that would give senior citizens that option, an option that if the price of the drug goes up 10 percent or more, or it is dropped from the formulary, you can change your plan without a penalty. I think that is only reasonable.

I also have to tell you that many of these pharmacists are at their wit's end. They care for these people. They really do. These are customers of a lifetime, and they come to these drugstores—some of them—distracted over what they are going through with Medicare prescription Part D, and the pharmacist tries to help. He gets on the phone. He may call that drug plan and try to make sure that the seniors are being treated fairly. He may ignore the plan, which says don't give some tablets over the course of a month, and give the person what he knows they need.

These are things he does at his own peril in terms of his own financial well-being.

I talked to one pharmacist who said that the drug Ambien, which is used by some who can't sleep at night had been prescribed, and one of the seniors who signed onto one of the plans brought in his monthly prescription for Ambien and was told he could only have 18 pills.

So the plan decided that whatever the doctor had said notwithstanding, whatever the condition, the senior citizen, 12 days out of 30, was not going to have their medication.

That is the kind of thing these seniors are facing. It is no wonder, to me, that the seniors I meet and the pharmacists who are trying to help them are really upset about this plan. They understand, as I do, that this plan wasn't written for senior citizens. This plan was written for health insurance companies that make these plans available, as well as the pharmaceutical companies. They are the big winners in many respects, first, because Medicare is not offering an overall plan for every senior to choose. I think that is where we should have started.

We have a Medicare plan in America. People were brought into it in a matter of a few months, and it has worked very well for 40 years. There could have been a Medicare prescription drug plan which would have been the basic template, the standard model that is available to every senior. If someone in the

private sector wants to compete and offer an alternative, they could have. I would have voted for that. But Medicare should have been able to offer the basic fundamental model plan that every senior could turn to, and it would have been successful because Medicare, with the potential of bargaining for 40 million senior citizens, could sit down with that drug company and tell them you can't raise the price of drugs 10 percent a year, we just won't let you under the plan.

You know what happened. The same thing happened in Canada. That is exactly what the Canadian Government did to these same American drug companies. They told them if they wanted to sell to the Canadian health plan, they couldn't keep raising the cost of the drugs every single year.

That is why exactly the same drugs manufactured in the United States sell for a fraction of the cost in Canada because the Canadian Government stepped in.

When we tried to do that on the floor of the Senate, the pharmaceutical companies fought us and won big time. Now we have 500 plans across America trying to negotiate better prices. And you know what that means: You don't get the discount, the bulk discount, and the lower prices that can occur.

We know the VA had already tried this. They offered the veterans who come to veterans clinics and hospitals prescription drugs at reduced rates because they bargained with the same drug companies, but these drug companies didn't want to give up their power in this negotiation. So they insisted that Medicare would not write a basic plan. They insisted that there be 500 plans across America. They knew they would make more money that way.

I am sure they will—but at the expense of senior citizens and taxpayers.

There is also this strange, inexplicable, indefensible element in Medicare prescription Part D known as the donut hole. The donut hole says as follows: Once you have spent out of pocket \$2,200 for prescription drugs during the course of a year, you are on your own—no protection, no payment. Everything from that point on is out of pocket. Until you have spent an additional \$2,900 and reached \$5,100 total spending, then the plan kicks in and is generous to you.

The donut hole means that seniors truly in need of medication can find themselves at some point during the course of a year reaching into their savings to pay for their prescription drugs. How often does that occur?

When I went to the Order of Saint Francis Health Center in Peoria, IL, I met with the pharmacy, Wayne Beckman, and his wife Bev. I asked Bev if they had run into anyone who is concerned about this donut hole where they already spent out \$2,200. She said: There was a woman in here yesterday who already reached \$2,200 in the month of February. She was a transplant patient. She needed expensive medication.

So, now, this woman having gone through all of these surgeries, all of this medical care, has to reach into her pocket and pay out \$2,900 before the Medicare plan kicks in again.

Could we have dreamed up a more complex and convoluted approach to providing prescription drugs to seniors?

I learned during the course of my visit that many of these seniors are desperate. They know they have to decide by May 15 to sign up for a plan. Some of them are not taking drugs at this moment but are afraid if they do not sign up for some plan and start paying for it that they will be penalized, which is part of the law as well. So they are trying to decide what the best decision might be.

I really wish my colleagues in Congress would get out of these marble halls and get into some drugstores. I wish they would stop listening to lobbyists and start listening to pharmacists. If they did, they would realize what a bad law this is. This was passed 2 years ago. We were supposed to have all the time in the world to get this right, make sure that when the moment came that this plan went into place nothing like this would occur. Yet it does.

Some of the, I guess, most painful stories involve victims who are in nursing homes—people who have really spent down everything they have in life. They have nothing left. How do they live? Social Security, Medicare, and Medicaid. Medicaid, of course, is health insurance for the poorest among us.

These poor people who usually don't have many friends, other than maybe a couple of family members, are sick in the nursing homes. Many of them are caught in the middle of this Medicare prescription Part D and what it does to them. Someone takes their prescription to a pharmacy and finds out they will not fill a month's prescription, only 10 days, and Governors across America have had to step in to protect these people, these poor people, literally poor people, who need a helping hand.

What a sad turn of events. What could have been a source of pride for America, for seniors, for all has turned out to be a national embarrassment, an embarrassment that could have been avoided.

My colleagues have to understand unless and until we work to make Medicare prescription drugs Part D a program that reaches out and helps people, a program that is simple, fair, gives true discounts on their prescriptions, then we have not done a service to our seniors. These men and women are parents and grandparents, the greatest generation who served in America's past in so many different ways. How can we put them in this predicament? They, unfortunately, had to go to the back of the line when it came to passage of this bill. The prescription

drug companies, as well as the insurance companies, were the ones that wrote the bill.

I know what we have to do. We have to take from this calendar, after we finish the PATRIOT Act, we have to push aside all the special interest legislation. We spent a week and a half on a bill last week, the clash of the special interest titans over asbestos. We have to set those aside and say, for at least a week, instead of taking up special interest legislation, we are going to take up the Medicare prescription drug bill. We are going to make this work. We are going to finally put something together that is an honor to the people who are part of our Medicare system.

I don't know if we can do that. When the President signed this bill, people said: You are going to have to change some parts of it. He said: I am not going to touch it, not a word.

The President should show a little humility. All of us in public life should from time to time. As we look at this Medicare prescription drug program, we know it is not working for America, it is not working for seniors. It is causing much too much heartache, much too much concern.

This much I will say I have learned, having been in public life a few years. There is one thing about senior citizens, they know who is on their side. They have long memories. I might add, they vote. If the leaders in Congress, the Republican leaders, the President's own party, do not understand how badly this Medicare prescription Part D program is working, some of the seniors may give them their medicine in November. They have to understand we have a responsibility to these people, not to the lobbyists in the hallway who represent the drug companies. They are doing quite well, thank you.

We have a responsibility to the people whom we were sent to represent. They may not have a lobbyist, but they have a vote and a voice and we will hear from them.

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

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### BLACK HISTORY MONTH

Mr. FRIST. Mr. President, each year, during the month of February, Amer-

ica celebrates the achievements, contributions, and history of the African-American community.

In previous years, I have had the honor of joining my colleague Congressman John Lewis on his civil rights pilgrimage to Alabama and Tennessee.

It is an extraordinary journey that changes all who partake.

It connects us to our history, our geography, our shame and redemption, and to the astonishing bravery and commitment of the civil rights leaders who fought for America's honor: Martin Luther King, Jr., his wife Coretta Scott, Rosa Parks, the Greensboro Four, to name a few.

Their willingness to face violence and intimidation, injustice and oppression, with steadfast love and bravery transformed America.

Indeed, it led to a great awakening that continues to reverberate around the world.

This year, as we celebrate those extraordinary individuals and events, let us also recognize the exceptional leaders in our midst who toil every day for justice and racial reconciliation.

This year, I have the pleasure of presenting Mr. Jeffrey T. Higgs of Memphis, TN, with my office's first ever American New Trailblazer Award in honor of Black History Month.

In January, my office sent out requests to over 200 recipients of our African-American leader's newsletter. We asked our readers to nominate individuals of extraordinary character and achievement.

We received the nominations of published authors, clergy, local community leaders, and business professionals. All were deserving candidates and I am both humbled by and proud of their example of service.

After culling through the nominations, we chose Mr. Higgs for his outstanding work as executive director of LeMoyné-Owen College Community Development Corporation.

For over 15 years, Mr. Higgs has been involved in urban community housing, economic development and micro lending.

As CEO of the multi-million-dollar organization, he has led the efforts to revitalize the community surrounding LeMoyné-Owen College.

Among his many development projects, he led the renovation of the historic JE Walker House. Today, the building serves as a community resource center for housing development, computer training, economic development and investment.

Currently, Mr. Higgs is leading the charge for 2 major capital projects generating over \$25 million in economic activity.

His sponsor for the award, Bridget Chisolm, President and CEO of BBC Consulting, wrote to tell us that Mr. Higgs is, "truly a Renaissance man and community trailblazer. We are blessed to have such a leader striving to make a good city great."

Indeed, America is blessed to have individuals like Mr. Higgs selflessly serving his fellow citizens.

I congratulate Mr. Higgs for his contributions to his community. And I thank him for carrying forward the torch of social justice.

As we close this month of celebration, let us remember that the movement is not over. So much has changed in so very short a time. But the great hope of the movement has yet to be realized: full equality not only before the law, but in the lives of every citizen.

It is citizens like Mr. Higgs who are working to make that happen.

I close with a quote from the great Dr. King.

In his historic speech following the march to Selma, the Reverend told his fellow freedom marchers,

We must come to see that the end we seek is a society at peace with itself, a society that can live with its conscience. And that will be a day not of the white man, not of the black man. That will be the day of man as man.

#### RECOGNITION OF NATIONAL AFRICAN AMERICAN HISTORY MONTH

Mr. SARBANES. Mr. President, "Celebrating Community: A Tribute to Black Fraternal, Social and Civic Institutions" is the theme this year of African American History Month. On this last day of the Month I want to pay a special tribute to the Alpha Phi Alpha, which is the oldest of the African American Greek-letter collegiate fraternities and sororities. Alpha, which I am proud to say has its headquarters in Baltimore, this year celebrates its centennial. For the past one hundred years Alpha has upheld the principles of scholarship, fellowship, good character and the uplifting of humanity principles that command our respect and admiration.

It has been my privilege to work closely with Alpha in the effort to establish an appropriate memorial to Dr. Martin Luther King, Jr. in our Nation's Capital. More than 20 years ago I introduced legislation to assure that a monument would be built, and it took a decade to get the legislation enacted. Since 1996, when the bill was signed into law, we have moved steadily forward. The site on the Mall is set, lying between the Memorial to President Franklin Roosevelt and the Lincoln Memorial. The magnificent design is in hand. The challenging work of raising the necessary funds continues, and in this Alpha and the other African American campus organizations play a vital role. I look forward to the day, not too far in the future, when we will have on the Mall a monument worthy of Dr. King's legacy, to remind us and future generations of the struggles the civil rights movement endured, and to inspire us all to continue the movement.

Even as we celebrate our progress toward a memorial to Dr. King, we mourn the loss of two great Americans, Rosa Parks and Coretta Scott King.