

coverage as a direct benefit under Medicare. Others wanted to assist seniors in purchasing private insurance policies to provide such coverage. Other proposals were introduced, but none gained enough support to pass into law.

So here we are again, and here again are the elderly in Minnesota and in 49 other States waiting for us to do what almost all of us say we want to do. As the President said last night, no senior in America should have to choose between buying food and buying prescriptions. The President is absolutely right. Yet today, across our country, retired Americans are being forced to make that same terrible choice: Don't eat, turn off the heat, or stop taking life-enhancing or even life-preserving medicines.

The President also said last night that Medicare must be modernized and we must make sure every senior on Medicare can choose a health care plan that offers prescription drugs. Again, the President is right. His words offer hope to millions of seniors who do not have and cannot afford such coverage. But as my mother used to say to me when I was growing up, actions speak louder than words. She usually said that when my actions or inactions were contradicting my words. For this Congress, that test begins today.

Were all the commitments I made just words? Were all the promises I made and heard others make just words? Were the President's assurances last night just words? I know I meant what I said, and I truly believe President Bush meant what he said last night. But now we must act. Now we must act.

The same proposals that were made last year can be considered again. I strongly prefer providing direct coverage under Medicare. I believe it best meets the essential requirements for any good plan—that the program would provide an immediate benefit; the plan would have universal coverage, the benefit being available to all eligible beneficiaries; the plan would negotiate discounts, allowing both seniors and the Government to get the lowest prices, negotiating price reductions just as every large business with self-insurers or every large HMO regularly does on behalf of its clients; the plan would provide catastrophic coverage for beneficiaries who have the highest drug costs.

However, I also know that these are some of the very reasons the pharmaceutical industry and others will fiercely oppose this particular program. I don't want to participate in another deadlock that prevented Congress from acting last year, nor do I want to participate in creating new excuses for why Congress has not passed universal drug coverage which the President can sign this year. I prefer it to be this month, but certainly no less than this year.

That timetable surely means designing and enacting a prescription drug

program that is separate from and passes before so-called comprehensive Medicare reform. If that lengthy review and reform points to modifications or improvements in our previously enacted prescription drug coverage, then so be it. If we can design a better, less costly, more efficient program, then terrific, but as Franklin Delano Roosevelt said to his Cabinet when he took office in 1933: Try something. If it doesn't work, try something else, but for God's sake, try something.

We can adopt one of the programs that has already been proposed or, in the President's spirit of bipartisanship, we can merge two of last year's competing proposals providing, for example, direct Medicare coverage for seniors earning up to 175 percent of the poverty level and for seniors earning over that amount, private insurance policies. Then we can see which one works better. What is important is to get something working now.

President Dwight Eisenhower once said: I think the people want peace so much that one of these days governments better get out of their way and let them have it. In the same way, I believe America's senior citizens want prescription drug coverage so much that our Government had better let them have it. The sooner the better. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

SENATOR EDWARD KENNEDY'S BIRTHDAY

Mr. BYRD. Mr. President, this is the last day of February. I believe it was Percy Bysshe Shelley who said, "O Wind, if Winter comes, can Spring be far behind?"

Spring is just around the corner.

Mr. President, while the Senate was in recess, the senior Senator from Massachusetts became a little bit more senior. On February 22, Senator EDWARD KENNEDY celebrated his 69th birthday.

Oh, to be 69 again.

In recognition of that occasion, I wish to say today what an enjoyable privilege it has been to work in the Senate with TED KENNEDY. History will be fair to Senator KENNEDY, and I have no doubt that history will judge him as one of the most effective Senators on that roll of 1,864 Senators as of now.

He is one of those rare workhorses. In the Senate we have show horses and we have workhorses. The show horses, you see them on TV quite often for the most part. Of course, we expect our elected leaders to be on TV often, but the workhorses, you don't see them on TV quite as often.

TED KENNEDY is one of those rare workhorse Senators in the truest meaning of that word. We will say it is one word, "workhorse."

Nearly every piece of progressive legislation since 1977 bears, if not TED KENNEDY's name, at least his imprint. That may be a bit of an exaggeration, so let me put it this way. I was first elected majority leader in the Senate in 1977. I was majority leader through the years of the Carter administration, 1977 through 1980. During that time, I was very familiar with the committee work, the legislation that I called up, the legislation that was amended, and the legislation that was adopted here and went to conference, the legislation that eventually became law. Many pieces of progressive legislation, beginning at the time of my tenure as majority leader the first time, carried TED KENNEDY's imprint.

He is a Senator who does his homework; he knows his subject. When he calls up an amendment, when he manages a bill, when he is the ranking member on a bill that has been called up, TED KENNEDY knows what he is talking about. We may not always agree with him, but we listen because we know he has mastered that subject matter.

Although blessed with wealth, he has always been a powerful and eloquent voice for the poor and oppressed, not just in the United States but also around the world. And he has also been a powerful and eloquent voice for the Democratic Party, its traditions, its causes.

We will long remember his soaring voice, his speeches to Democratic conventions, as well as his passionate struggle for the rights of the working people, for health care reform, for the strengthening of the Social Security net for America's less fortunate.

In the Senate, he has shown that public service is the place where, to paraphrase his late brother, John F. Kennedy, Americans can stop asking what their country can do for them but what they can do for their country.

Though we were out of session on TED KENNEDY's birthday, I say belatedly that I will always remember the support that Senator KENNEDY gave me during the years it was my privilege to serve as the Senate Democratic leader. When times got tough, as they occasionally do for a Senate leader, I knew I could always count on Senator KENNEDY's assistance. It may have been needed for an additional vote; it may have been for his assistance in building approval for a legislative proposal, but whatever was needed, Senator KENNEDY was there, and I was thankful.

Senator KENNEDY is a true friend, not only to me but also to the people of West Virginia, and when I make this personal reference the following two happenings will illustrate what I mean.

When I reached my 80th birthday—the Psalmist doesn't promise 80 years; the Psalmist promises only 70, but goes on to say:

And if by reason of strength they be four-score years, yet is their strength labour and sorrow; for it is soon cut off, and we fly away.

On my 80th birthday, I was in Charleston, WV, and the then-Governor of the State, Gov. Cecil Underwood, had invited me over to the Governor's mansion. I was enjoying a luncheon there, given by Cecil Underwood in my honor. During the luncheon, I was called to the telephone. On the telephone was my chief of staff, Barbara Videnieks, who said to me, "Senator, we have a visitor in the office," meaning here in Washington. She said, "Senator TED KENNEDY is here, and he has with him 80 roses."

TED KENNEDY brought the roses to my office himself, 80 roses. I never had that to happen to me before, and I am not sure that many Senators in this Chamber, if any other than I, can recount such a beautiful experience as that was for me. There was TED KENNEDY in my office—I was in Charleston, at the Governor's mansion—with 80 roses on my 80th birthday. You can bet before he was able to get out of my office and down to the subway car I was on the telephone calling him and thanking him for being such a real friend.

You would think we vote together just like that all the time. We don't. But we never argue about it; we never have any falling out about it, when we have little differences of viewpoints with respect to legislation. There is this underlying bond of friendship between Senator KENNEDY and me.

Last year, I was at the Greenbriar with my wife of 63 years on our anniversary. And, lo and behold, here came to our room at the Greenbriar 63 red roses. From whom? TED KENNEDY. I was surprised. That is TED KENNEDY. Our friendship will always be strong. He thought of me on our wedding anniversary, and he thought of Erma. He is just like that. But who else sent me 63 roses on our wedding anniversary? Nobody.

I think it is remarkable that there has grown up that kind of bond of affection and friendship between these two Senators.

Most people probably remember President John F. Kennedy introducing himself to the people of France by saying he was the person who accompanied Jacqueline Kennedy to Paris. A year before that, President Kennedy, upon a return visit to the Appalachian coal fields in West Virginia, introduced himself saying—here is President Kennedy saying—"I will introduce myself—Teddy Kennedy's brother."

During the last election, I saw for myself a tremendous display of this continued affection for Senator KENNEDY among my people, the people of West Virginia. When Senator KENNEDY and I appeared at a political rally in the heart of the State's southern coal fields where I grew up, we were promptly swamped by swarms of people—swarms of West Virginians, mountain

people—seeking TED KENNEDY's autograph and wanting to shake hands with him or simply to see him.

I will always be pleased to introduce myself as Senator TED KENNEDY's friend, and I will always be glad that I have had the opportunity to serve with him in the Senate.

I say belatedly to TED KENNEDY, with his birthday of a few days ago, Senator KENNEDY, because of you, many people in this country are much better off. Because of you, millions of our citizens have a voice that is heard in these Halls. So happy birthday, Senator KENNEDY, and may God bless you.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

SENATOR DAYTON'S MAIDEN SPEECH

Mr. WELLSTONE. Mr. President, I was at a conference dealing with health care policy when my colleague, Senator DAYTON, spoke. I come to the floor to congratulate Senator DAYTON for his words.

When he campaigned for the U.S. Senate seat, he spoke on cost of prescription drugs, especially for the elderly. I think it applies to many other families as well. Over and over again, he said this was his No. 1 priority. He said our country could do better. He said this was a matter of elementary justice. He talked about older people in Minnesota—senior citizens—two-thirds of whom have no prescription drug coverage. He talked about, for example, seniors cutting pills in half because they could not afford them or people running out of food or their homes being cold.

I think it is very significant that when Senator DAYTON came to the floor of the Senate today to give his first speech, his maiden speech, he talked about prescription drug costs and his commitment to introducing responsible legislation that will make a real difference in the lives of people.

The reason I think it is significant is not only because he spoke on an issue that is very important to people's lives, but it is all the more important because he said something about MARK DAYTON in very personal terms. He campaigned on this issue. He listened to many people in Minnesota, and many elderly people talk about these costs.

He came to the Senate after winning the election, and he basically stayed true to the commitment he made to people in his State. Senator DAYTON has been my friend for many years. I think he will be a great Senator.

I always said—and I said to Senator Rod Grams after the election—that no

one can ever say to Senator Rod Grams that he did not vote for what he believed in; that he did not say what he believed. I think he deserves an awful lot of credit for that.

I never like it when anyone loses. I don't like to see people lose. I like to see people win. It is because of my Jewish roots.

I think MARK DAYTON is going to be a great Senator for the State of Minnesota and for this country, and I am very honored to serve in the Senate with him. As the senior Senator, I hope he will consider my views over and over again. I doubt that he will. And it will probably make him an even better Senator if he doesn't.

He spoke powerful words. I am sorry I was not on the floor with him. But I thank him for his commitment to the people. I thank him for his passion. I thank him for caring about public service, and I thank Senator DAYTON for caring about senior citizens and other citizens in the country. I thank him for his commitment to Minnesota.

I yield the floor.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are in a period of morning business, with Members allowed to speak for up to 10 minutes.

U.S. SUPREME COURT

Mr. LEAHY. Mr. President, I have become increasingly concerned about some of the recent actions of the U.S. Supreme Court. As a member of the bar of the Court, as a U.S. Senator, as an American, I, of course, respect the decisions of the Supreme Court as being the ultimate decisions of law for our country. As an American, I accept any of its decisions as the ultimate interpretation of our Constitution, whether I agree or disagree. I have probably supported the Supreme Court and our judicial system more than anybody else on this floor.

Having said that, I think we can at least still have in this country a discussion of some of the things the Court has done. Recently, we have seen another assault by the Court on the legislative powers of Congress.

My concern may be more in sadness than in anger over what has happened. It is very easy to give talks about activist Supreme Courts, but it is hard to think of a time, certainly in my lifetime, with a more activist Supreme Court than the current one. Last week, the Court held that State employees are not protected by the Federal law banning discrimination against the disabled. The case was decided by the same 5-4 majority that brought us