

million veterans, a much smaller number than represented by the pharmacy benefit managers. It is also important to note that among brand-name drugs listed on the 300 most popular drugs for seniors, only 42 percent are available to the VA plan because the pharmaceutical companies declined to provide some of the drugs because of their unwillingness to meet the price determined unilaterally by the VA. On the other hand, it is estimated that PDPs under Medicare Part D have access to 97 percent of the brandname drugs among the most favored 300 drugs. The Medicare Part D beneficiaries have an opportunity to select the prescription drug plans that best meet their prescription drug needs, with the opportunity to select a new plan on an annual basis.

Notwithstanding these factors, there may be answers and compelling arguments in support of the proposed legislation to give the Secretary negotiating authorities. A full debate by the Senate on these important issues would pose the opportunity to resolve these complicated questions and come to a reasoned judgment. The Senate will doubtless revisit this issue in the future. In the interim, I intend to inquire further and consider these issues in greater depth to determine what policies would best serve the interests of the beneficiaries of Medicare Part D.

**COURT SECURITY IMPROVEMENT ACT OF 2007—MOTION TO PROCEED—Resumed**

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided between the Senator from Vermont, Mr. LEAHY, and the Senator from Pennsylvania, Mr. SPECTER, prior to a vote on a motion to proceed to S. 378.

The Senator from Vermont.

Mr. LEAHY. Mr. President, this week we join in mourning the tragic killings at Virginia Tech on Monday. The innocent lives of students and professors are a terrible loss for their families and friends and for their community. It affects us all. We honor them and mourn their loss. I expect that in the days ahead, as we learn more about what happened, how it happened and perhaps why it happened, we will have debate and discussion and perhaps legislative proposals to consider.

For example, I know that Senator BOXER has introduced a School Safety Enhancement Act, S. 677, to allow matching grants for school security, including surveillance equipment, hot-lines and tip lines and other measures.

We may need to further enhance the COPS in Schools Program begun by President Clinton. I look forward to working with Regina Schofield, the Assistant Attorney General for the Office of Justice Programs at the Department of Justice, Domingo Herraiz, the Director of the Bureau of Justice Assistance, and others to make improvements that

can increase the safety and security of our children and grandchildren in schools and colleges.

Today, we may finally make progress on security in another important setting by turning to the Court Security Improvement Act of 2007, S. 378. Frankly, this legislation should have been enacted last year but was not. It should not be a struggle to enact these measures to improve court security. We are fortunate that we have not suffered another violent assault on judges and their families.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I concur with the statements by the chairman. We introduced court security during the 109th Congress after we had the brutal murders of the family of a Federal judge in Chicago. We have continuing problems. Rat poison was mailed to each of the nine Justices on the Supreme Court. There is no doubt that there is an urgent need for additional court security, in light of the attacks on the judges. The independence of our judiciary is fundamental in our society for the rule of law.

This bill passed by unanimous consent last December, but, unfortunately, it was not taken up by the House. We ought to consider it expeditiously, and I urge my colleagues to vote to invoke cloture.

**CLOUTURE MOTION**

The ACTING PRESIDENT pro tempore. 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:

**CLOUTURE 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 Calendar No. 107, S. 378, the Court Security Improvement Bill.

Harry Reid, Jeff Bingaman, Chuck Schumer, Jack Reed, Byron L. Dorgan, Ron Wyden, Maria Cantwell, Dianne Feinstein, Daniel K. Inouye, Daniel K. Akaka, Jim Webb, Dick Durbin, Jay Rockefeller, S. Whitehouse, Barbara A. Mikulski, Ken Salazar, Edward M. Kennedy, Pat Leahy.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, 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 South Dakota (Mr. JOHN-SON) and the Senator from West Vir-

ginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 93, nays 3, as follows:

[Rollcall Vote No. 133 Leg.]

**YEAS—93**

Akaka	Domenici	Menendez
Alexander	Dorgan	Mikulski
Allard	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Graham	Pryor
Bond	Grassley	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Salazar
Burr	Hutchison	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thomas
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dole	McConnell	Wyden

**NAYS—3**

Coburn	Gregg	Inhofe
<b>NOT VOTING—4</b>		
Brownback	McCain	
Johnson	Rockefeller	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 93, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, the motion to proceed has just passed, 93 to 3. We will bring before the Senate in fairly short order the Court Security Improvement Act of 2007. I rise today to speak in support of that act. It is a bill that is as simple as it is important.

At a time when judges are the subject of sometimes vitriolic criticism, when judges and their families have been made the targets of acts of violence and murder, when the independence of the judiciary must be maintained in a climate of violence, we should take these important steps to improve the safety of our judges and their families. This bill will do that by requiring the U.S. Marshals Service—which has oversight over the safety of the judicial branch—to consult with the Judicial Conference to determine security requirements of the judicial branch, and it authorizes \$20 million for the Marshals Service to protect the judiciary further.

The bill also amends the Criminal Code to enhance penalties for the possession of dangerous weapons within Federal court facilities. This bill also extends and expands to family members the authority of the Judicial Conference to redact certain information from a judge's mandatory financial disclosure for security purposes.

The bill directs the Attorney General to report to Congress on the security of assistant U.S. attorneys arising from the prosecution of terrorists and violent gangs. I will speak in a moment to an incident that happened in my State.

The bill will increase criminal penalties for tampering with or retaliating against a witness, victim or informant, and it will authorize grant programs to expand witness and victim protection programs.

In my own experience as U.S. attorney in Rhode Island, I have been the subject of threats. Indeed, one man went to prison for threatening me. Prosecutors whom I sent to court we had fitted with body armor because of the security to their personal safety. We had prosecutors have extensive security systems installed in their homes to protect their security. That is one experience from one U.S. attorney in one 4-year term. Across this country, the need is very great.

In February, the Judiciary Committee held an important hearing where Supreme Court Justice Anthony Kennedy spoke to us about the need to preserve an independent judicial branch and to pass this bill. U.S. District Court Judge Brock Hornby also had important testimony regarding the need to pass this legislation. He said: "This bill will contribute significantly to the security of Federal judges and their families."

In short, it is long past time that this bill be enacted. Indeed, the core provisions of this bill have already passed the Senate twice last year, the second time by unanimous consent. So it is a little surprising that it is not being approved by unanimous consent at this time. But apparently some of our colleagues on the other side of the aisle have lodged an objection. Nevertheless, I am happy to spend whatever time is necessary to ensure passage of this important legislation.

The Framers of our Constitution understood the importance of an independent judiciary. As Alexander Hamilton noted in Federalist 78: "The independence of judges is equally requisite to guard the Constitution and the rights of individuals . . ."

While in this Chamber we may disagree on judicial nominations and we may argue over judicial philosophies, we should all, every one of us, agree to do everything we can to make sure the men and women who work in the judicial branch, who serve their communities in those important positions—and their families—are safe, as they make the important decisions lodged in their care.

I am pleased this bill has broad bipartisan support. I am pleased with the

powerful results of the motion to proceed. I wish to commend particularly the efforts of Chairman LEAHY of the Judiciary Committee and our ranking member on the Judiciary Committee, Senator SPECTER, for their hard work on this issue. I look forward to supporting passage of this important legislation.

I yield the floor, and I suggest 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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### BIPARTISANSHIP

Mr. DURBIN. Mr. President, we are a little over 100 days into the new congressional session. With new leadership, new management, there was hope—and still is—that we can find some ways to establish bipartisan cooperation. By its nature, the Senate almost requires it. Under Senate rules, anything that is serious and important takes 60 votes. In a Chamber with 100 Members, that is obviously a supermajority, and that requires cooperation. When Senator JOHNSON has recovered to the point that he is back on the Senate floor and we are at full complement, Senate Democrats will have 51 votes to the Republicans' 49. This means that on any given day, if we are going to pass or consider important legislation, it has to be bipartisan. We need help. We need Republicans to join with Democrats to bring it to 60 votes. That is the nature of the Senate.

Some people, particularly House Members—I used to be one—look at this as not only a quaint procedure but in many cases antiquated. I disagree. The nature of the Senate is reflected in the wisdom of the Founding Fathers who needed to create this body in order to have a U.S. Government. When they initially suggested that Congress would reflect the population of America, smaller States, such as those represented by the Presiding Officer, the State of Rhode Island, said: We don't have a chance. We are going to be overwhelmed by the big States such as Virginia and Massachusetts. So in their wisdom, they said: In the Senate, every State has two Senators, no matter how large or small.

In the Senate, when it came to rules, the rules reflected the same feeling, that minority rights would always be respected, that it would take a large majority vote to overcome those minority rights; in other words, 60 votes. At one time it was 67 votes. That 60-vote margin was added in the 1960s. As a result, to achieve anything in the Senate, we need to work together.

Unfortunately, in the first 100 days, there have been a few instances of cooperation but some other disappointing episodes. When we wanted to debate

and have a vote about President Bush's proposal to send 20 or 30,000 more of our best and bravest American soldiers into the war in Iraq, when we wanted the Senate to go on record on that issue to debate it honestly so the American people and their strong feelings would be represented, we were stopped, stopped by the Republican minority. They would not allow us to go to the substance of that debate. They didn't want the Senate to spend its time considering a resolution going on record as to whether we approve or disapprove of the President's action.

I personally think the escalation of ground troops in Iraq is the wrong decision. This is a civil war, a war between Sunnis and Shias. Our sons and daughters are caught in the crossfire of that civil war, a war that is generated by a conflict within the Islamic religion that dates back 14 centuries. I don't believe sending 20 or 30 or 40,000 more American soldiers is going to change the conflict. Only the Iraqis can change it. I wanted to make that point in the debate and let those who defend the President's position to escalate the war make their point as well and bring it to a vote. That is what the Senate is supposed to be about. But the Republican minority, with the power given them under Senate rules, said: No, there will be no debate.

We couldn't find 60 votes to even have a debate on that issue. They stopped us. Earlier this week, they stopped us again. What was the measure in question? It was the reauthorization of the intelligence agencies of the Government. These agencies are critical to our national security. Intelligence is the first line of defense when it comes to terrorism. Senator JAY ROCKEFELLER of West Virginia is chairman of the Senate Intelligence Committee; Senator CHRIS BOND is the ranking Republican. The two of them worked on a bipartisan bill and brought it to the Senate floor. There was a lot of give and take. Senator ROCKEFELLER acceded to the requests of Senator BOND and vice versa. They brought this bill to the floor. For the first time in years, we were going to have an authorization bill that addressed some of the serious problems of intelligence gathering so that we can be safer. What happened? As it turned out, the Republican leadership decided they didn't want to have this debate. They didn't want this bill to be seriously considered and passed. On two different occasions this week, they refused to vote to give us 60 votes so we could consider this bill and pass it. We had to put it back on the calendar, take it off the floor.

Think about that. In the midst of a war in Iraq and Afghanistan, with all of the threats to the United States, a trip to an airport now becomes a half-hour commitment. As you take off your shoes and make sure your toothpaste is in a plastic bag and all of the things we go through that relate to terrorism, the Republican minority decided they didn't want us to debate and

bring to a vote intelligence reauthorization. That was their decision.

For the second time, on a critical issue—first on the escalation of the troops in Iraq and then on the reauthorization of our intelligence agencies—the Republican minority has said: We don't want the debate. We don't want the Senate to act. It is within their power. That is what the Senate is all about. A minority, in this case 49 Republican Senators, was able to stop it.

But that was not the end of it. There was another issue, one that many of us consider to be very basic. It relates to the Medicare prescription Part D Program. Medicare prescription Part D is a program long overdue. When Medicare was created by President Johnson in the 1960s, it didn't include prescription drugs. Over the years, as more and better prescription drugs were discovered and invented and marketed, we understood that to keep people healthy, our parents and grandparents and disabled people needed access to affordable drugs.

For many years, many of us have supported the idea of including prescription drugs in the Medicare plan so seniors could have help in paying for them. When the bill came before us to vote on several years ago, when the Republicans were in control of this body, we wanted to add one provision. The one provision said the Medicare Program could bargain for less expensive, more affordable drugs. Private insurance companies could do the same, but the Medicare Program could offer prescription drugs to seniors on Medicare as one option, and then seniors could make a choice. Do they want to go with a private insurance company? Do they want to go with some other source for their prescription drugs under Medicare? Or do they want to go back to the Medicare plan?

Our thinking behind it is sound, because what we said is: We learned a lesson at the Veterans' Administration. In the Veterans' Administration we learned that to reduce the cost of prescription drugs for the men and women who serve in uniform and are now veterans, our Veterans' Administration bargains with pharmaceutical companies, and they have bargaining power. They buy in bulk. They buy at discount. Our veterans benefit from it. They get the best at the lowest prices, and it is good for them and for taxpayers.

Why can't our seniors under Medicare have the same opportunity? That was the point we wanted to make, a point that said: Medicare should be allowed to bargain bulk discounts, low prices for seniors so we can give them even a better deal than the current program offers. The pharmaceutical companies hate this idea like the devil hates holy water. The notion that they would face competition, that they would have to give bulk discounts, eats right into their profits, their bottom lines, and their CEOs' golden para-

chutes. They have been spending millions of dollars trying to convince America that this kind of bulk discount, this effort to have bargaining for lower prices, is somehow fundamentally wrong. They have spent a lot of money on it—full-page ads in newspapers, television advertising to try to convince Americans that having some competition when it comes to prescription drugs is plain wrong.

They didn't convince many, but they convinced enough, because earlier this morning we had a vote as to whether we would move to this proposal to allow Medicare to bargain for lower prescription drugs and, once again, the Republican minority stopped us. They don't want to have that debate. They don't want to face a vote. They want to make sure their friends in the pharmaceutical industry don't have to face competition. I am sure they feel their position is correct. I happen to believe my position is correct.

The nature of debate in the Senate is that we stand and talk and ultimately come to a vote. But on three separate occasions now, the Republican leadership has stopped the debate, stopped the debate on escalating troops in Iraq, when it comes to intelligence reauthorization, and when we try to reduce prescription drug prices for seniors.

It seems they want to do nothing. They want the Senate to come in, collect its paycheck, and go home; make a few speeches on the floor, wave a few flags, and head on home.

That is what happened around here for a long time. The do-nothing Congress of the last 2 years is the reason the voters came out and voted as they did last November. They said: We sent you to Washington to do something. We sent you to Washington to address issues that are meaningful and important to people across America. One of those issues is the war in Iraq. Another issue is homeland security. Certainly another issue is the cost of health insurance and the cost of prescription drugs. In the Democratic majority, we have tried to come to those issues. We have tried to move the debate to those issues. But the Republican minority has stopped us time and time again.

Ultimately, they will be held accountable for their strategy. That is what elections are all about. But we have a year and a half to go here, a year and a half more before another election. Are we going to waste all this time? Are we going to spend a little time addressing the issues that count: first and foremost, the war, but then keeping America safe? How about a national energy policy? Will the Republican minority stop us from debating that at a time when we know we are so dependent on foreign oil that we are sending hundreds of millions of dollars each day to countries around the world that disagree with our basic values because they happen to be supplying us with oil?

When it comes to issues such as global warming, will they use the same

strategy to stop the debate so that for 2 more years things will get worse instead of better when it comes to the greenhouse gases and the global warming and climate change which we all know is a reality? They have the power to do it.

The only thing that can break the grip they have on the agenda and calendar of the Senate is if 10 of their Members have the courage to break ranks and join us. It is the only way we can come to these debates. So far a handful have edged across the line, put the toe in the water and said: Well, maybe we are with you on the debate. But it is never enough. It is always enough just to have a press release back home saying: We tried to help the Democrats—but never enough to get the job done. That is what we face.

Now comes this bill before us, the Court Security Improvement Act of 2007. This bill is the kind of bill which routinely passes in the Senate with no debate. The reason is, it isn't debatable. It comes down to a question of protecting the men and women who serve in the Federal judiciary.

This is an issue which is personal with me. In 2005, one of my close personal friends, a woman I appointed to the Federal court in Chicago, Joan Lefkow, went through a tragic personal experience. Someone invaded her home and murdered her husband and mother. Those killings were perpetrated by a disgruntled litigant who had his case dismissed by Judge Lefkow. It was an unwelcomed wake-up call for our country. It sensitized many of us to the vulnerability of our judges and their families.

It was not an isolated incident. Last year, a judge was shot in Reno, NV. In Louisville, KY, a man pleaded guilty to threatening to kill the Federal judge presiding over the outcome of his arson trial. In March 2005, three people were killed in an Atlanta courthouse, including a county judge. Just yesterday, there were reports that the car and garage of an Illinois State court judge on the north side of Chicago were damaged by gunshots.

The sad reality is that violence and threats against our judges are on the rise. Between 1996 and 2005, the number of threats and inappropriate communications toward judges went up dramatically—from 201 in 1996 to 943 in 2005. There may be many reasons for this increased violence against judges, but one of the most regrettable is the rise in criticism and condemnation of these fine men and women not only in the halls of Congress but on some of the shock radio shows that go on and pass as news on some cable channels and radio stations.

Justice Sandra Day O'Connor, a woman I respect, who recently retired from the Supreme Court, said recently:

[T]he breadth and intensity of rage currently being leveled at the judiciary may be unmatched in American history.

It is time for the rage and irresponsible rhetoric to come to an end. It is

also time for Congress to step up and increase protection for judges.

In 2005, Senator OBAMA, my junior colleague from Illinois, and I helped obtain an appropriation after the terrible Lefkow incident. We wanted to provide enough money so judges would have some basic protection in their home.

The bill we vote on today—the Court Security Improvement Act of 2007—is another important response. It passed the Senate last year on two different occasions. The House of Representatives refused to take it up. Let me touch on a couple important provisions in this bill, and then let me tell you why, at the end of these remarks, we have reached another terrible moment when it comes to considering a bill of this importance.

First, the bill has new criminal penalties for misusing personal information to threaten harm to judges and their families. It expands the definition of dangerous weapons that are banned from Federal courts. It extends and expands the ability of Federal judges to redact personal information from their financial disclosures that might endanger themselves or their families. It allocates more resources to the U.S. Marshals Service to protect Federal judges. It requires better coordination between the Marshals and the Federal judiciary. It authorizes State courts to receive Federal grant money to improve security. It is essential that we pass this legislation, and it is long overdue.

A year ago, on the first anniversary of the murders of her husband and mother, Judge Lefkow, of Chicago, released a statement. Here is what she said:

The tragedies which we experienced have necessarily alerted me to the fragility of judicial security. Accordingly, I have made a commitment to all of my judicial sisters and brothers to do all in my power to help improve the safety of all judges in the years ahead. It is my fervent hope that nothing that happened in Chicago and Atlanta last year will ever be repeated.

Those are words we need to take to heart today. I commend Majority Leader HARRY REID for bringing up this bill. This Court Security Improvement Act is a legacy to the memory of those judges and family members whose lives were cut short by tragic, vicious acts of violence.

Judges should always feel secure in their courtrooms and safe at home. We owe it to them and their families to do everything we can to protect them.

As I said before, this is the kind of bill which Members would come to the floor and make a few statements on, such as I made, and then pass by a voice vote, for obvious reasons. Who is going to argue against this bill? Who believes our judges should not be safe in their courtrooms and at home? We cannot ignore the obvious. There are dangers to their lives, and we should act on them. But what has happened in the Senate from a procedural viewpoint reflects the argument I made earlier. A Senator on the Republican side, within

his rights under the Senate rule, objected to this bill. Well, it was not enough he objected—he can do that; he could vote against it if that is his choosing—but he demanded we have what we call a cloture motion, that we postpone this bill for 30 hours before we take it up and consider it. That is his right. I will fight for his right to do so. But it reflects a mindset among some on the other side that is not constructive and not positive.

Hard as it is to believe, there are some who think the bill I described is an insidious part of the procedure of the Senate, and they call it an earmark—an earmark. This is not the kind of Jack Abramoff earmark where a fat cat lobbyist on K Street in Washington inserts a provision in the bill for one of his clients, which ends up with millions of dollars for his client and a fat fee for him to take home. Nothing in this bill inserts a dollar for any private entity, nor does it create any opportunity for a lobbyist to get fat and sassy. Yet some on the other side of the aisle are arguing this bill has to be stopped because it is an earmark. An earmark? An earmark to create a program to provide money for courts to make them safer? An earmark to increase the penalties for those who would harm our judges and their families?

They have corrupted the word “earmark” to the point where they think everything is an earmark. This bill is not. This bill emerged from the Senate Judiciary Committee, on which I serve, with strong bipartisan support. Instead of enacting it and moving on to other important bills, we have been bogged down again by procedural hurdles that are thrown at us from the other side of the aisle—something as basic and as fundamental as this bill.

Now, I am glad Republican Senators joined us in trying to stop this one Senator who believes he sees an earmark behind every bill and every bush. But the point is, if we are going to be constructive in the Senate—whether it is on the war or intelligence or reducing the cost of prescription drugs or protecting judges—we need much more bipartisan cooperation. As I said earlier, I will fight to the death to defend my colleagues’ rights under the rules of the Senate. Those rules have been used by me and by other Senators, and that is why they are there. But common sense should prevail. I think the common good should prevail, and we should come together, Democrats and Republicans, and compromise and cooperate. That is one thing the American people are begging for: Start addressing the real problems, some that affect only a small number of Americans, as important as they may be, such as members of the Federal judiciary, and others that affect us all, such as the war in Iraq.

Isn’t it time we put behind the do-nothing Congress, the do-nothing mentality, and start out on a new day in this Congress, trying to find bipartisan

ways to cooperate and solve the real problems that face our country?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

#### ALGERIA BOMBINGS

Mr. FEINGOLD. Mr. President, last Wednesday, April 11, terrorists exploded two bombs in Algiers, Algeria, killing 33 people and wounding over 200. The terrorist organization al-Qaida in the Islamic Maghreb took credit for the attacks, which targeted the Algerian Prime Minister’s office and a police station.

The attack occurred 1 day—1 day—after three would-be suicide bombers blew themselves up in Casablanca, Morocco, killing a police officer in the process. A fourth individual was shot before he could detonate his bomb. It also preceded, by only 3 days, attacks by two more would-be suicide bombers in Casablanca, Morocco, this time outside the American consulate and the American Language Center. The consulate subsequently closed.

While a link between the Algeria bombings and the terrorists in Morocco has not yet been established, the confluence of these events demonstrates an increasingly deadly and dangerous situation in North Africa, for the region, for the United States, and for our friends and our allies.

The bombings should also remind us of the need to be more globally focused in the fight against al-Qaida and its affiliates, which must be our national security priority. Yet the administration, fixated on Iraq, remains narrow-minded in its focus and seemingly almost indifferent to last week’s attacks in North Africa.

Until last fall, al-Qaida in the Islamic Maghreb was known as the Salafist Group for Preaching and Combat, or GSPC. It has been described by the State Department as a regional terrorist organization which recruits and operates in Algeria, Morocco, Nigeria, Mauritania, and Tunisia, as well as in Europe.

In 2005, GSPC killed 15 people at a military outpost in Mauritania. Police in France, Italy, and Spain have arrested individuals suspected of providing support to the organization. GSPC has also called France “public enemy number one.” A French counterterrorism magistrate has described GSPC as the biggest terrorist threat facing his country today.

Last year, al-Qaida leadership announced its formal ties to the GSPC, raising concerns about the extension of al-Qaida’s deadly reach. In testimony to the Senate Intelligence Committee this February, FBI Director Mueller warned of the possible consequences of

this alliance, including to the United States. According to Mueller's testimony:

Al-qaida has made efforts to align itself with established regional terrorist groups such as the GSPC that may expand the scope of the threat to the Homeland.

Despite this clear threat, our Nation barely took notice of the attacks last week. The State Department issued a brief statement. The White House said virtually nothing—or nothing. Vice President CHENEY mentioned them during a radio interview on Friday and again on Sunday, but only in passing, as a part of his repeated efforts to try to link 9/11 to the war in Iraq and to support an endless and disastrous war that is emboldening the members of al-Qaida and other terrorist organizations.

Let me read exactly what the Vice President said:

We had—just this week there were attacks in Algeria and Morocco by al-Qaida, bombings that were aimed at killing innocent civilians. It is a global conflict, by anybody's measure. And it is clearly against some of the world's worst offenders, and Iraq is very much a part of that. It is, right now, the central front on that global conflict.

Amazingly, the only comments by the White House on these horrific attacks in north Africa were to insist that a terrorist attack in Algeria somehow proved that Iraq, more than 2,000 miles away, is the central front in the war on terrorism. The Vice President's assertions are not just factually wrong, they are offensive to the people murdered in Algeria last week, as well as their families and all those working hard to capture these terrorists. It is also indicative of everything that is wrong with this administration's national security policies.

We should be directing our attention and resources to combating the threat posed by al-Qaida and its affiliates, wherever they may be. As we all know, this is not a conventional war. It requires better intelligence, better cooperation with friends and allies, stronger regional institutions, and diplomatic and economic policies designed to deny terrorists safe havens. It is not easy, and I have enormous respect for the men and women in our intelligence community, diplomatic corps, military, and other elements of our Government who are working hard to protect us from this threat. We should provide them our full support, not only in terms of resources but also with an effective global counterterrorism strategy rather than the current myopic and misguided focus on Iraq.

First, we must improve our intelligence with regard to threats in Africa. The Intelligence authorization bill we were considering in the Senate earlier this week includes an amendment I offered with Senator ROCKEFELLER calling for more intelligence resources to be directed to Africa. If we are to protect our national interests on the continent, we must commit ourselves to understanding not only the terrorist

organizations that operate there but regional conflicts, corruption, poor governance, endemic poverty, and the historic marginalization that has allowed terrorists and other threats to fester.

Second, we must expand and strengthen our diplomatic and foreign assistance activities in the continent. Our presence in far-flung parts of Africa, whether it be a new consulate or outpost or an expanded USAID development or public health program, exposes local populations to our Nation, linking us to parts of the world which, as we know, we can no longer afford to ignore. We need to help build strong governmental institutions that respect human rights and an equally vibrant civil society, while also strengthening the relationship between the two.

Third, we need military policies that place counterterrorism in the context of a larger, more comprehensive strategy. Policies such as the Trans-Sahara Counterterrorism Initiative are important, particularly in improving the capacities of local governments. But unless they are part of bilateral and multilateral policies that emphasize human rights and democratization and anticorruption, our military resources may be squandered or, worse, may be even directed in counterproductive ways. For this same reason, I have supported the establishment of an Africa Command within the Defense Department, while insisting that its mission be squarely within the broader strategic goals of the United States on the continent.

Fourth, we must develop effective policies for dealing with terrorist safe havens such as the one in the Sahel where al-Qaida in the Islamic Maghreb operates. According to the most recent State Department terrorism report, the organization not only trains, recruits, and operates in the region, it also raises money, including through smuggling. Clearly, confronting this organization requires addressing the root causes that have allowed it to develop and operate, whether they be poverty or corruption or the lack of government support to and presence in the region. We must develop comprehensive policies to confront these safe havens, including the settlement of regional conflicts and an adequate provision of economic and development assistance, so local populations can reject terrorist organizations.

Fifth, we must help governments in the region in their efforts to confront terrorist organizations. The most recent State Department terrorism report stated that, in Mali, the sheer size of the country and the limited resources of the Malian Government “hamper the effectiveness of military patrols and Border Patrol measures.” The report also indicated Mauritania, another country where al-Qaida in the Islamic Maghreb operates, lacks funding and resources to combat terrorism.

In order to combat international terrorist organizations such as the al-

Qaida in the Islamic Maghreb, we need regional strategies that address the capabilities and policies of all affected countries on a bilateral and multilateral basis. We must expand our assistance to these and other countries while ensuring that their counterterrorism policies are consistent with ours and that corruption and human rights abuses do not undermine efforts to combat terrorist organizations.

Sixth, we must work closely with our European allies. Al-Qaida in the Islamic Maghreb is a direct threat to Europe; our allies have every incentive to work with us. By working to establish mutually agreed upon approaches to counterterrorism, we can develop a strong, coordinated strategy that helps keep all of us safer.

Seventh, we must encourage regional institutions to confront terrorism. For example, the African Union has established a Center for Study and Research on Terrorism to combat terrorism throughout the continent. This center and other regional initiatives are worthy of far more attention and support than we have thus far provided.

Finally, we must at last recognize that the fight against al-Qaida is being undermined by the endless war in Iraq. As the NIE of last April concluded, the war has become a “cause celebre” for international terrorists. Moreover, tactics from Iraq are now being used around the world, including by terrorists in Algeria. As the State Department terrorism report noted:

Using lessons from Iraq and wanting to reduce the level of casualties sustained in direct confrontation with Algerian security services, the GSPC carried out attacks using roadside improvised explosive devices. In one act on September 14, GSPC terrorists killed three Algerian soldiers and wounded two others in a military vehicle near Boumerdes by remotely detonating a roadside IED.

The horrific bombings last week in Algiers and the manifest threat in Morocco should remind us that our national security does not begin and end in Iraq. Indeed, Iraq remains a drain on our national attention to resources and an endless distraction from our real national security priorities, which is fighting al-Qaida and its affiliates. We cannot ignore the rest of the world to focus solely on Iraq. Al-Qaida is continuing and will continue to be a global terrorist organization. Contrary to what the administration has implied, al-Qaida is not abandoning its efforts to fight us globally so it can fight us in Iraq. No. Instead, it is forming alliances with groups like the GSPC, and it is seeking to attack us and our friends and allies around the world. By downplaying this threat, the administration is ignoring the lessons of September 11 and endangering our Nation.

Mr. President, I yield the floor, and 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.

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

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

MEDICARE PART D

**MS. KLOBUCHAR.** Mr. President, when Congress passes a law, the American people have every right to expect that their elected representatives will do what is best for them. But the country did not get a fair deal in 2003 when Congress passed the Medicare Part D prescription drug program. Today, the Senate had the opportunity to remedy this problem, and politics won out over providing affordable prescription drugs to our seniors.

Providing prescription drug coverage to millions of seniors is a very important benefit, and I very much support it, but Part D got off to a very rocky start. Seniors were overwhelmed and confused. Many were not enrolled in a timely fashion. When they were enrolled, there were serious, even life-threatening delays in getting the medication they needed. A number of States, including my own, declared public health emergencies and had to step in to fill the gap. At the time, my mom, a former second grade teacher, told me that Medicare Part D got the grade it deserved from the beginning. Since then, many of these early problems with implementation have been remedied.

Even today, however, Medicare Part D remains needlessly complex and confusing, with dozens of insurance companies involved, hundreds of different plans, and countless benefit structures, pricing tiers, and drug formularies, not to mention the “doughnut hole” which each year eats deeper into the wallets and pocketbooks of millions of seniors.

However, by far, the most serious flaw in the original law is the noninterference clause that expressly prohibits Medicare from negotiating lower prices from pharmaceutical companies. This prohibition is contrary to how Medicare handles its purchases of other goods and services. It is contrary to how both Medicaid and Veterans Affairs purchase medications for their beneficiaries. It is contrary to good business practices and to good government.

This prohibition has imposed substantial and unnecessary costs on America's taxpayers and seniors who are paying excessive prices for prescription drugs. An analysis last year by Merrill Lynch found that after Part D took effect, prices on popular brand-name drugs increased by 8.6 percent. This week, there is a new analysis from Families USA. It finds that the prices charged by the largest Part D plans for the 15 most commonly prescribed medications increased by an average of 9.2 percent during the past year. This increase is almost four times the general inflation rate, and it is nearly three times the cost of living adjustment that seniors received this year for their Social Security income. By banning the Government from negotiating discounts, Congress saddled seniors with inflated prices for their medications,

while handing a huge financial windfall to the pharmaceutical industry.

As I travel throughout my State, Minnesotans tell me they are mystified and frustrated that the Government has tied its own hands when it comes to achieving huge cost savings with prescription drugs. The people of my State repeatedly tell me they want Medicare to use every possible tool to get the best prices. It is a simple principle of economics that consumers strike better deals when they band together and exercise their bargaining power. The power of many has much more leverage than the power of the few. Congress rejected this common-sense principle when it barred Medicare from negotiating drug prices. This is just plain wrong. When appropriate, the Government should be empowered to harness the collective bargaining power of 43 million Americans on Medicare to deliver low-cost medication to seniors.

We are now poised to give the Government the power to negotiate. The House has already passed a measure to do so. Now it is our turn, and it is our responsibility. This is a matter of fairness for our seniors who deserve affordable prices for their drugs, and it is a matter of fairness for American taxpayers who pay 75 percent of the bill for Medicare Part D.

Under current law, only individual insurance companies can negotiate Medicare drug prices. The pharmaceutical industry has tried to reassure Americans that this will inevitably produce the lowest prices because of competition. This explanation is unconvincing. Evidence and experience shows us that the present system often does not produce the fairest prices.

The pharmaceutical companies like to say that Part D Program costs are lower than projected, but beating artificial projections has not resulted in lower prices. Numerous studies show that Part D prices are significantly higher than prices for drugs and programs where negotiation is permitted.

For example, a review of drug prices in Florida last October reported that the lowest retail price—the price you get by just shopping around—is usually cheaper than the Medicare price for popular drugs.

In January of this year, a study by Families USA found that the top five Medicare Part D insurance companies serving two out of three enrollees charged prices at a median rate that were 58 percent higher than the same drugs provided to veterans through the VA. The study compared the lowest price available under Part D and the lowest VA price for the 20 most common medications prescribed to seniors. Celebrex, for arthritis, was 50 percent more expensive under Medicare Part D; Lipitor, for cholesterol and heart disease, was 51 percent more expensive; Nexium, for heartburn and acid reflux disease, was 65 percent more expensive.

If these aren't bad enough, consider these:

Fosamax was 205 percent more expensive under Part D. That is for osteoporosis; Protonix, for heartburn and acid reflux disease, was 435 percent more expensive; and Zocor, for cholesterol and heart disease, was over 1,000 percent more expensive.

With this tremendous disparity in drug prices, it simply defies common sense to assume Medicare is giving our seniors a good deal. They should be negotiating for better prices.

Maybe the discounts would not be as great as the VA gets because of the differences in those two programs. But how can anybody be satisfied when Medicare is paying prices that are, on average, 58 percent higher? Can we not at least try to get a better deal? Can't we even allow the possibility of negotiation by our Government with the drug companies?

Yet this administration and its Secretary of Health and Human Services have shown absolutely no interest in the potential of negotiation. In fact, the Secretary has been aggressively defiant about even the idea of it. This needs to change.

There is another reason we should not trust the assurances of the pharmaceutical industry that America's seniors are already getting the lowest prices possible. The Government can often negotiate bigger discounts than insurance companies, which represent smaller numbers of seniors. There is no good reason to arbitrarily foreclose this opportunity for gaining a price cut.

By Medicare's own calculations, Part D private plans are negotiating prices that are 73 percent of the average wholesale prices. But Medicaid pays only 51 percent, and the VA pays only 42 percent.

The Congressional Budget Office also agrees that the Government could be more effective than private plans in negotiating prices for unique drugs that have no competition.

Even limited savings on popular drugs could translate into billions of dollars. Consider Zocor and Lipitor, two top-selling prescription medications. If Medicare could negotiate prices in line with what the VA gets, the savings from those two drugs alone could be more than \$2.8 billion each year. Even a fraction of this amount would still represent substantial savings. That would mean cheaper drugs for seniors, a better deal for taxpayers, and less Government spending.

The only real winners from a prohibition on negotiation are the pharmaceutical companies. They vigorously lobbied for the ban, knowing it would boost their profits, while denying fair prices to seniors and taxpayers. They paid big money to make sure they got a Medicare drug program that prohibited price negotiation, and now they are spending big money to keep that profitable ban in place.

Since 1998, the pharmaceutical industry has spent over \$650 million on lobbying. In the past year and a half, they

have spent a record \$155 million. What are America's seniors supposed to think all that money goes for?

The drug industry employs some 1,100 lobbyists. That is two drug lobbyists for every Member of the Senate and House of Representatives. The pharmaceutical industry has fired up its lobbying machine again to oppose efforts to lift the ban.

The industry lobbying organization, PhRMA, has been running a massive advertising campaign in opposition to negotiating lower prices. It includes full-page ads in newspapers across the country. They have been buying these ads in my State, too. The most recent full-page ad appeared earlier this week in the Minneapolis Star Tribune. It tells Minnesotans how they are supposed to think. It uses quotes from USA Today and the Atlanta Journal Constitution.

With all due respect to these good newspapers, we Minnesotans know how to think for ourselves and how to reach our own conclusions. When it comes to Medicare Part D, the people of Minnesota have made up their minds. A statewide survey earlier this year found that fully 93 percent of Minnesotans want Medicare to have the power to bargain for lower prescription drug prices.

But the drug industry keeps using scare tactics, throwing around words such as "rationing" and "price controls." It ignores promising negotiation approaches that don't limit the drugs available to seniors and that do not involve price setting.

I have dealt with this before. In the last few years, I was actually accused of trying to ration Lipitor. That simply isn't so. My mom takes Lipitor. If people think I would advance a proposal that would take my mom's drugs away, they don't know my mom.

Allowing negotiation would not mean rationing, but lifting the ban on negotiations would cut into the hugely profitable windfall the drug industry has enjoyed, thanks to Medicare Part D. In the first 6 months after Medicare Part D went into effect, the profit for the top 10 drug companies increased by over \$8 billion, which is a 27-percent jump.

It should be no surprise. Medicaid Part D has provided the drug companies with a surge of new Government-subsidized customers. And Congress has allowed the drug companies to charge excessive prices.

This has been especially true with the more than 6 million Americans who were transferred from Medicaid to Medicare under the Part D law. They are known as dual beneficiaries or dual eligibles because they are eligible for both Medicaid and Medicare. They now account for more than 25 percent of all Part D enrollees.

Before the Part D law took effect, Medicaid was already buying prescription drugs for these individuals under a "best price" rule. This meant the price a drug company offered Medicaid could

not exceed the lowest price it received for that same drug in the private market.

These dual-eligible individuals are now covered only under Medicare Part D, which has no "best price" rule and, of course, no negotiating power either.

Two economists have analyzed last year's financial filings from the top drug companies. In a study released earlier this month, the two economists concluded these companies have gained substantial new profits because they no longer had to provide the rebates and discounts previously demanded by Medicaid. That is great for the drug industry, but it is not so great for all of us.

I grew up believing every dollar, every quarter, every penny counts. I remember saving all my quarters from baby sitting in a box in my room. I also believe that is true for our Government, for our taxpayers, and especially for our seniors. The average income for a retiree is about \$15,000, with most living on a fixed income. Seniors need medications more than any other age group. For those over age 75, they depend on an average of almost eight prescription medications.

So for seniors, money and medications are a very serious matter. It must be a serious matter for us, too. By lifting the ban on price negotiations, we will continue to give seniors access to the medications they need and the same broad range of plans. The difference is that the Federal Government, representing all 43 million Medicare beneficiaries, will also be at the bargaining table.

It is time to lift the ban. It is time to negotiate with the powerful drug companies. It is time to help our seniors get the lower, fairer prices they deserve for the life-saving and life-enhancing medications they need.

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

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

The bill clerk proceeded to call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, may I inquire as to where we are at this time.

The PRESIDING OFFICER. The Senate is considering the motion to proceed to S. 378.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

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

#### TAX SIMPLIFICATION ACT OF 2007

Mr. CRAIG. Mr. President, yesterday was tax day 2007. I had hoped to come to the floor at that time, but we were busy on several other issues. I join with my friend and colleague, Senator SHELBY, as a cosponsor of S. 1040, which will replace our current broken tax system with a simple, what I call fair flat tax.

Over the years that I have served the State of Idaho in the Congress, I have looked numerous times at the concept of a flat tax and believe it to be by far a more preferable system for all our taxpayers to be involved in.

Only a few weeks ago, we debated the fiscal year 2008 budget resolution and some recurring points began to emerge. Over and over again, from both sides of the aisle, we heard about the repeal of the death tax, the repeal of the alternative minimum tax, the child tax credit, and marriage penalty relief, and problems associated with the so-called tax gap.

The average American listening to that debate, if they were not true students of the Tax Code or if, in fact, they hadn't been victims of that portion of the Tax Code, would have wondered in what kind of code the Senators were speaking or talking through at the moment.

Congress has offered temporary fixes to these problems for years, but these problems are merely symptoms of a larger problem that needs fixing. I believe the larger problem is we have a convoluted, broken Tax Code system today.

The current Tax Code is—well, let me use this as an example. In 2005, according to the IRS's own estimates, Americans spent 6.4 billion hours preparing their tax returns and a whopping \$265 billion in related compliance costs. You know that if you make any kind of money at all and you can afford to, you start hiring attorneys and tax experts to find ways of manipulating yourself through the system, not necessarily to avoid taxes but maybe to provide some level of inheritance to your children and your grandchildren so Uncle Sam doesn't get it on your moment of death. The complication has increasingly grown over the years and, of course, the cost is phenomenal.

So, Mr. President, if you will bear with me for a moment, think about this analysis: Americans, if they had to wade through the 66,498 pages—that is right, 66,498 pages—of the Federal tax rules on a letter-size sheet of paper, that amount of pages would stand about 22 feet tall. That is about three times taller than I am with cowboy boots and a cowboy hat on. That is pretty significant stuff. Yet the average American is supposed to figure out how to get through that? That is why they spend \$265 billion hiring the experts to figure out how to get them through it. The Tax Code's purpose is simply to fund the Federal Government, but we have turned it into a system loaded with preferences, deductions, credits and exceptions and, yes, other kinds of loopholes that cater to a special-interest tier and fail to treat all taxpayers fairly because we politically are manipulating where we want the money to go, how we want the economy to run, how we want the average person to spend or not spend his or her hard-earned wages in a way that is, by our definition, beneficial to the

country, to the culture, to the economy at large.

The time for half-measures ought to be over. Fundamental reform is the only thing that will restore, in my opinion, fairness and simplicity to the system, and I have long thought a flat tax is the best approach toward reforming the code.

A flat tax, such as the one in S. 1040, will provide a simple flat rate of 19 percent, eliminate special preferences, end the double taxation of savings and investment, and provide a generous exemption based on family size.

Not everyone agrees—I am sure we all understand that—but that shouldn't stop the conversation, the fundamental debate, the energy of this Senate and this Congress becoming involved in reforming our Tax Code for the greater benefit of our country.

That is one of the reasons why I joined Senator WYDEN, a Democrat on the other side of the aisle, in launching a bipartisan Cleanse the Code Coalition. Although Members of the coalition disagree sharply about the best approach to tax reform, we all agree fundamentally that reform is imperative, that it is something that should embody the principles of simplicity, fairness, and fiscal responsibility.

Our current tax system is a handicap on our Nation's citizens, our businesses, and our economy. As we continue to increase our competitive character and compete with other economies around the world, those features of simplicity and fairness become increasingly important.

Our current tax system is a handicap. There is something that ought to be done about it. We will, again, tinker around the edges, as we did with the 2008 budget resolution that sets parameters for spending and for revenues and, once again, we will talk about it a great deal more than we will act on it. When we act, we will simply adjust and change and modify, and every time we do, in that illustrative picture I gave you, we will add another cowboy hat to the top of my head and make that 66,000-page stack of papers that is 22 feet tall a little taller for the average American to work their way through in frustration, sometimes in anger, sometimes in fear that they have failed to comply and the IRS is just around the corner.

I hope that a day will come in April, a year or two from now, when the process of filing a tax return is a simple sheet of paper: Here is how much I have made, you apply the 19 percent to it, it is all online, and you don't have to hire attorneys and accountants in great complication to weave your way through the morass of rules and regulations. And Americans for the first time could say: You know, that was a pretty easy task. I am a responsible citizen. I have paid my taxes.

As one who gains the great benefit of this country, while we may not necessarily like it, it ought to be an easy and painless task to do. That ought to

be our challenge. That is why I am a part of the legislation and in support of it and why I am on the Senate floor today—to challenge my colleagues to think a little more about it. It ought not be a game of dodge and hide and replace and reshape. It truly ought to be one of saying to the average citizen: We want to make it easy, we want to make it simple for you to fulfill your responsibility in assisting your Government in paying for the necessary services it needs in a straightforward and, most importantly, simplistic way.

Mr. President, I yield the floor, and 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. BROWNBACK. 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. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

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

#### PARTIAL BIRTH ABORTION BAN UPHELD

Mr. BROWNBACK. Mr. President, I rise today with great hope in my heart that a step was taken forward on human dignity today. Earlier today, the U.S. Supreme Court upheld the partial-birth abortion ban passed by Congress in 2003, and I applaud the Court for this decision.

As many of my colleagues know, partial-birth abortion is one of the most heinous and grotesque forms of abortion. Science has shown that after 20 weeks, unborn children do indeed feel pain. Imagine the pain a prenatal baby feels as it is so savagely destroyed in the latter part of the pregnancy. It is incomprehensible that we should allow such a procedure to continue in our Nation, and I am thankful—I am thankful—the Congress passed this important ban, that President Bush signed it into law, and now the Supreme Court has upheld this in the face of a challenge. I think this is an important day for human dignity, that we are starting to recognize the dignity of everybody at all stages.

We had a big debate on the Senate floor last week about stem cells and whether we should destroy the youngest of human lives for research purposes. I don't think we should. We should extend dignity. But certainly we should extend dignity to a child who is very well developed in the womb and who is being aborted feeling great pain, the child itself. We should show dignity for that life. The Court is starting to express the fundamental right to life and the dignity of each life in the country, and what a great message to our Nation, what a great message to our world for us to have that.

The majority decision of the Court, authored by Justice Anthony Kennedy, recognizes that partial-birth abortion is not medically necessary. Far from it.

Both mother and child deserve far better than abortion, particularly such an invasive, barbaric procedure as partial-birth abortion.

I am pleased that the Court states in its opinion:

It is, however, precisely this lack of information concerning the way in which the fetus will be killed that is of legitimate concern to the State.

Citing Casey, the father of the Presiding Officer, *supra*, at 873, it states:

States are free to enact laws to provide a reasonable framework for a woman to make a decision that has such profound and lasting meaning.

The State has an interest in ensuring so grave a choice is well informed. It is self-evident that a mother who comes to regret her choice to abort must struggle with grief more anguished and sorrow more profound when she learns, only after the event, what she once did not know: that she allowed a doctor to pierce the skull—

Of a child, her child—and vacuum the fast developing brain of her unborn child . . .

The child is human and in her womb.

I repeat, today's decision by the Supreme Court puts hope in our hearts. Americans understand that life is a precious gift and worthy of respect and protection. Indeed, this deep belief is at the very root of our Nation's founding—of our Constitution. I believe our laws and the precedents of our courts ought to reflect this culture of respect for human life and human dignity at all stages, in all places; that every human life is precious, it is unique, it is sacred, and it is a child of a loving God. It applies to the child in the womb at whatever stage its development. It applies to a child in poverty. It applies to a child in Darfur. It is pro-life and it is whole-life, beginning to end, and that is as it should be.

I am delighted that the Supreme Court is moving forward to see the expression of life in the Constitution. I hope that someday we will see all life respected at all stages and protected in this land and around the world.

Mr. President, I yield the floor, and 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. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded, and I ask to proceed as in morning business.

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

The Senator from Iowa is recognized.

#### ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, yesterday was tax return filing day for most Americans for the 2006 tax year. While filing that 2006 tax return and paying tax owed for 2006 was stressful enough, for 23 million families who will be AMT taxpayers in 2007, there was added stress. That added stress is due to the fact that those 23 million families bear the uncertainty of whether

there will be an AMT patch for the year 2007; in other words, for Congress to take action so the alternative minimum tax will not apply to an additional 23 million families for this year's earnings as the present law is going to do it. Congress, each year, has taken action so that would not happen. The big question is will Congress act soon enough so that the uncertainty of these 23 million taxpayers will not be realized.

This matters for taxpayers now because the first quarter estimated tax payments are due for the 2007 tax year. I have a chart here I wish to show that shows the form for the payment these 23 million families have to make, and why going through the trouble of filling this out is stressful for the 23 million taxpayers—in addition to having to pay all of this tax. Barring an extension in the “hold harmless” provisions that made certain that people who filed on 2006 earnings did not have to pay the AMT, if we do not take action for the year we are in, AMT exemptions then will return to the pre-2001 levels. Many Americans may be surprised to find in their 1040 ES instruction package that the AMT exemption amount for single taxpayers is decreasing from \$42,550 in 2006 to \$33,750 in the year we are in now for earnings, 2007. And for married taxpayers, the exemption amount is decreasing by nearly \$20,000, from \$62,550 down to \$45,000.

You can see here on line 29 that these higher exemption amounts are there. To add insult to injury in this whole matter, certain credits will not be allowed against the alternative minimum tax in 2007, including the credit for child and dependent care expenses, credit for the elderly or the disabled, and education credits. And that is just to name a few.

The alternative minimum tax is not a new problem and has been with us for several decades. The individual minimum tax—that is a precursor to our AMT—was originally enacted in 1969 after Congress discovered that 155 taxpayers with incomes greater than \$200,000—these are 1969 figures—were not paying any taxes at all.

As originally formulated, the individual minimum tax affected one out of a half-million taxpayers. Clearly that situation has changed now very dramatically in the last 30 years when today about 4 million taxpayers are paying the alternative minimum tax. If we do not do anything this year, 23 million more people will pay it on earnings they are making right now.

Although not its only flaw, the most significant defect of the alternative minimum tax is that it is not indexed for inflation. If it had been indexed for inflation, then obviously we would not have these 3 million people, or these potential 23 million people, having to worry about paying the alternative minimum tax.

This failure to reindex the exemption and the rate brackets, the parameters of the AMT system, is also a bipartisan problem.

Perhaps the most notable missed opportunity to index the AMT for inflation was the passage of the Tax Reform Act of 1986. Another missed opportunity was the Omnibus Budget Reconciliation Act in 1993, in which the exemption levels were not indexed but were increased to \$33,750 for individuals and \$45,000 for joint returns. But this was accomplished by an additional rate increase.

By the way, the 1993 tax increase passed this body with only Democratic votes. Once again, graduated rates were introduced, except this time they were 26 percent and 28 percent.

By tinkering with the rate and exemption level of the AMT, these bills were only doing what Congress has been doing on a bipartisan basis for almost 40 years, which is to undertake a wholly inadequate approach to a problem that keeps getting bigger. And by “keeps getting bigger,” I mean it is applying now to 23 million taxpayers for earnings this year to whom it should not apply.

In 1999, the issue again had to be dealt with. At that time Congress passed the Taxpayers Refund and Relief Act of 1999. In the Senate, only Republicans voted for the bill. That bill in fact included a provision that actually repealed the entire alternative minimum tax. If this bill had not been vetoed by President Clinton, we would not even be talking about this today.

Later on, in 1999, an extenders bill, including a fix good through 2001, was enacted to hold AMT harmless for a little longer.

Most recently, in March of 2007, less than a month ago, this body, now under the control of the Democrats, voted against an amendment I sponsored to put some honesty back into the budgeting process and to stop spending amounts that are scheduled to come into the Federal coffers through the alternative minimum tax.

Take a minute to visit about that vote on my amendment to the budget resolution a month ago. That amendment would have amended the budget resolution for fiscal year 2008 in order to accommodate a full repeal of the alternative minimum tax, preventing the same 23 million people, both families and individuals whom I am talking about today, from being subject to the alternative minimum tax in 2007, not to mention the millions of families and individuals who will be hit by it in subsequent years.

You would think we would have seen a flood of bipartisan support for that amendment, given the numbers of families represented by my colleagues across the aisle who are now paying the alternative minimum tax in 2007. But, instead, true to form, not a single Democratic Senator voted for the amendment to provide relief from the alternative minimum tax and to stop spending money this country does not have and was not intended to get. If you get it from these 23 million people, it has the capability of ruining the

middle class in America. We got not a single vote from the other side of the aisle.

So even though the alternative minimum tax is a problem that has been developing for a while, almost 40 years, Congress has had an opportunity to deal with the issue but has blocked attempts to deal with the issue thoroughly. Or, if Congress passed it, President Clinton vetoed it. Although on numerous occasions Congress has made adjustments to the exemption and in the rates, it has not engaged in a sustained effort to keep the alternative minimum tax from further absorbing the working people who are in middle-class America. Instead, despite temporary measures, the AMT has gone from being a threat to millions of taxpayers who were never supposed to be subject to a minimum tax, to being a reality when they sent in their estimated income tax payments to the IRS for the first quarter.

That the alternative minimum tax has grown grossly beyond its original purpose, which was to ensure that the wealthy were not exempt from an income tax, is indisputable, and that the alternative minimum tax is inherently flawed then falls into the commonsense category.

Despite widespread agreement that something needs to be done about the alternative minimum tax, agreement on what exactly to do is not so widespread. I suppose if there had been an agreement to repeal it, I would have gotten more than 44 votes on my amendment to the budget resolution a month ago. So you can use your mathematics. It is going to take at least seven more people to agree with me before we can get that done. And a major factor in the disagreement relates to massive amounts of money that the alternative minimum tax brings to the Federal Government. In 2004, the alternative minimum tax brought \$12.8 billion into the Treasury. Projections show that the AMT balloons revenues in coming years. These projections are used to put together the budget using current law, so that is why this money that was never supposed to be collected is put into the budget by the Congressional Budget Office and by the Office of Management and Budget in the executive branch.

This is a bipartisan problem. Whether you have a Republican majority or Democratic majority in this body, it is going to be handled the same way. Republican and Democratic budgets, then, rely on the same source of revenue—even though it is a revenue that was never supposed to be collected. In 1969, it was never anticipated it would hit more than people with adjusted gross incomes, at that time, of \$200,000; and if you brought that on for inflation now, it would be somewhat a bigger figure but it would not take in 3 million people as it does today and it wouldn't be taking in 23 million people as it will this very year.

This means the central problem in dealing with the AMT is not money

that will come in, but people are counting on it to come in. I call it phantom income. Of course, for the 23 million people who file or have to file for this year's income, if we do not do something, it is going to bring in additional revenue, and it would not be phantom in that case, but it is phantom in the sense that if it was supposed to hit a few rich people and it is hitting 23 million middle-income Americans, it does not seem legitimate to count it as money coming into the Federal Treasury.

There are some people who would say we can only solve the alternative minimum tax problem if offsetting revenue can be found to replace the money the AMT is currently forecast to collect. Anyone who says this sees the forecast showing revenue being pushed up as a percentage of gross domestic product and, quite frankly, they like to spend more money so they want to keep it there.

These arguments are especially ridiculous when one considers that the alternative minimum tax was never meant to collect as much revenue; in other words, it is a failed policy. It is simply unfair to expect taxpayers to pay a tax they were never intended to pay. It is even more unfair to expect them to continue paying that tax once we get rid of it.

The reform or repeal of the AMT should not be offset because it is money we were never supposed to collect in the first place. So the way to solve this problem is to look on the other side of the ledger, on the spending side. Budget planners need to take off their rose-colored glasses when looking at the long-term revenue projections and read the fine print.

In general, it is a good idea to spend money within your means. That is true in this case as well. If we start trying to spend revenues we expect to collect in the future because of the alternative minimum tax, we will be living beyond our means. We need to stop assuming that record levels of revenue are available to be spent and recognize that the alternative minimum tax is a phony revenue source.

As we consider how to deal with the alternative minimum tax, we must first remember we do not have the option of not dealing with it if we want to maintain a middle class in America. The problem will only get worse every year and make any solution more difficult.

We must also be clear that the revenue the alternative minimum tax will not collect as a result of repeal or reform should not be offset as a condition of repeal or reform. We should not call it lost revenue because it is revenue we never had to begin with.

This week millions of families are beginning to feel the ramifications of that revenue vortex. I have outlined that the alternative minimum tax problem has been developing for decades, but I want to make clear that something distinctly different and

more onerous is happening this year for alternative minimum taxpayers; that is, that for the first time in 6 years, there is no money in the budget to fix the alternative minimum tax even for 1 year. So the outlook for those 23 million people who are paying it right now on incomes earned this year is even a little bleaker than in recent years.

For the first time in 6 years, there is also no bill on the floor to deal with the issue. Now, there is the Baucus-Grassley bill that I do not think the Democratic leadership has put on the schedule yet but they ought to if they want to preserve the middle class.

At estimated tax payment time last year, folks were feeling a similar crunch on the alternative minimum tax. But the legislative posture on this point was significantly different. This time last year, the alternative minimum tax fix bill for 2006 had already passed in both the House and the Senate. At this time last year, the tax-writing committees were in conference on a tax package that included a fix to the alternative minimum tax for the year 2006 income and was enacted in May of 2006.

This year, those 23 million families facing a 2007 estimated tax payment have nothing to refer to but the IRS instruction package that is telling them it is time to start paying on the 2007 alternative minimum tax problem now.

It is time for Congress to wake up to this problem. It cannot wait until the end of this year. It cannot wait until the end of the next Presidential election. The time is now. So I implore my colleagues to join me in addressing this issue.

Perhaps the 23 million families who are feeling the absolutely maddening tax increase of 2007, beginning this week, will be inspired to act, and hopefully we will have a prairie fire of support for acting on this quickly and maybe even doing the right thing by repealing it entirely.

We just went through that time of the year where, for most people, the Tax Code transforms from an abstraction to a concrete reality. The same is true of tax relief. What may be an academic or policy discussion becomes something more when the men and women of our Nation actually work out how much of what they have earned they turn over to us in Congress to spend for them.

Thanks to the popular and bipartisan tax relief enacted in 2001 and 2003, virtually all Americans paid less in taxes this year than they did last year. There seems to be several Members of this body who view that as a bad thing to happen, who would rather take what others have earned and stuff it into the pork barrel.

I think that American workers are the best people to decide how to spend their money and that letting them keep as much of their own money as possible is very good.

As I said, Americans generally paid less this year than they did last year

because of bipartisan tax relief. Last year I talked about the slim majority who have governed the Senate for the past several years. If tax relief hadn't been bipartisan, the 2000 tax relief bill would not have received the support of nearly a quarter of the Democratic caucus that year when the conference report came up for a rollcall vote.

However, this popular and bipartisan tax relief has been put at risk by Democratic majorities in the House and Senate. The Senate-passed budget resolution only provides 44 percent of the revenue room needed to make tax relief permanent; only 44 percent. The House-passed budget resolution provides zero percent of the revenue room necessary, which means that taxpayers face a serious risk of being hit with a wall of tax increases in 2011, as illustrated by this chart, the wall between what taxes are being paid now and what will be paid when 2011 happens.

According to the U.S. Treasury, a family of four with an income of \$40,000 will be hit by a tax hike of \$2,052 per year, every year. That is an increase for a family of four with an income of \$40,000 a year, not rich people.

To see the consequences, we need to look past academic seminars and working papers and wordy editorials to see what this tax hike will mean for real people. For a family of four at \$40,000, this tax wall of \$2,052 of increased payment to the Federal Government is real and at that time will be a real problem.

Right now I want to walk through the specific components of the bipartisan tax relief that are at risk. This chart breaks down what could be a \$407 billion tax increase over 5 years. Here is the tax increases of various parts of the 2001–2003 tax bills that have those subdivisions in it, and as these expire, income will be coming in this much more from various things that automatically happen.

Let me be clear on this: This is a tax increase that Congress is not going to vote for. This is a tax increase that Congress would not have guts enough to vote for. This is a tax increase that is automatically going to happen because the tax cuts of 2001 and 2003 sunset in 2010.

To anybody around this body who says they are not voting to increase taxes, we can stop this. If we stop this, we keep the present level of taxation, we would not be cutting taxes more. The policy we have had in place for this decade would stay in place the next decade. That is not a bad tax policy because of the increase of the 7.8 million new jobs. And that is Chairman Greenspan saying it is responsible for the recovery we have. As pointed out, almost everything statistically that we use to show that the economy is working, it is all very positive.

So let's look at some of these subdivisions of this 2001–2003 tax bill. Let's take the marginal tax rate cuts. We set up a brand-new 10-percent bracket that year in 2001 so that low-income people

would not have to pay as much tax, if their first tax dollar is taxed at 10 percent, where it used to be taxed at 15 percent for lower income people.

That costs \$203 billion over 5 years, according to the Joint Committee on Taxation. I am sorry. That included the 10-percent bracket. But I was talking about the marginal tax rate cut generally, including the 10-percent bracket. What I said about the 10-percent bracket, making it possible for low-income people to pay less tax on their first dollar, is also true.

But the \$203 billion applies to all tax rates. The 10-percent bracket costs \$78 billion over 5 years, all by itself. But that proposal reduces the taxes of approximately 100 million families and individuals across the Nation. When considering the rest of the marginal rates, it appears some folks think the 35-percent tax rate is too low of a top rate.

Well, guess what. Repealing the marginal tax rates hits small business, the biggest source of new jobs in America. It hits that class of people the most.

The Treasury Department estimates 33 million small business owners who are taxed on their business income at the individual rate benefits from the marginal tax rate cuts. Repealing these cuts would cause 33 million small business owners to pay a 13-percent penalty. Why do we want to kill the goose that laid the golden egg, and that is small business, where most of the jobs are created in America? It is the backbone of our economy.

Do Democratic leaders want to raise taxes on those taxpayers? Treasury also projects that small business gets over 80 percent of the benefits of the cut in the top two rates. Do we want to raise the tax rates of small business by 13 percent? Does that make any sense? Democratic leaders, what would you say about raising that amount of money from small business, a 13-percent tax increase, if Congress does nothing?

So obviously I am recommending we take action between now and that sunset to make sure a tax policy that has been good for the entire economy, according to Chairman Greenspan, stays in place to continue to create jobs above and beyond the 7.8 million jobs that are already created in this recovery.

Now, what about death tax relief? That package scores \$102 billion over 5 years. Most of the revenue loss is attributable to increasing the exemption amount and dropping the rate to 45 percent on already-taxed property. Is it unreasonable to provide relief from the death tax? Why should death be an incident of taxation? Why should you have a fire sale, when you do not get as much for assets when someone dies in order to pay the taxes? Why not let the willing buyer or willing seller make a decision when the marketplace is going to work? Death is not the marketplace working. Is it unreasonable to provide that sort of relief, or should we raise

the death tax on small business and family farms? That is what will happen if the bipartisan tax relief package is not extended.

Now we have the child tax credit. That is the fourth one down on the chart. Mr. President, 31.6 million families benefit from the child tax credit according to the Joint Committee on Taxation. How about the refundable piece that helped 16 million kids and their families? That proposal loses \$41 billion over 5 years. I didn't think we would have a lot of takers on letting that one expire, but the Democratic leadership may be proving me wrong.

The next item on the list is the lower rates on capital gains and dividends. Thirty-three million Americans, a good number of them low-income seniors, benefit from the lower tax rates on capital gains and dividends. Some people try to portray this tax reduction as only for the idle rich. But the beneficiaries of this provision include working-class Americans who have spent a lifetime building up equity in property and securities and probably have their pension funds and their 401(k)s invested in the stock market.

Does the Democratic leadership think we should raise taxes on these 33 million families and individuals?

Take into consideration the fact that 25 years ago, only about 12, 15 percent of Americans had any investment in the stock market. Today it is between 55 and 60 percent because of 401(k)s, IRAs, and pensions.

Then we have the marriage penalty. Why would we ever think there should be a penalty on people being married? We finally did something about the marriage penalty. It is the first relief we delivered to that class of people in over 30 years. This proposal scores at \$13 billion over 5 years. The Treasury estimates nearly 33 million married couples benefit from the abolition of the marriage penalty. Again, I don't think many folks would want to raise taxes on people just because they are married. Most of the folks who do want to raise taxes on married couples must be serving in the House and Senate because that is what is going to happen when this sunsets.

Another proposal is expensing for small business, meaning expensing of depreciable property, depreciable equipment, among other things. This is a commonsense bipartisan proposal. According to the Internal Revenue service, 6.7 million small businesses benefited from this provision in 2004. That is the most recent year for which we have statistics. If we don't make this provision permanent, small businesses face a tax increase of \$12 billion in 5 years. When this sunsets—and the majority wants it to sunset—do they want to hurt small business? I think that is unwise tax policy.

Continuing on through the bipartisan tax relief package, let's look at the education tax relief provisions. This package helps Americans cope with college education costs. It scores at \$2

billion over 5 years, and 16 million families and students benefited from this tax relief in 2004. In this era of rising higher education costs, should we gut tax benefits for families who want a college education for their kids? In order to keep competitive in the global economy, we ought to think about having the most educated workforce we can. Especially in the runup to the last election, I heard a lot about the importance of higher education and helping to ensure that costs do not keep people out of college. But college education is going to increase for middle-income people who are taking advantage of this tax exemption for college tuition. These provisions put those ideas into action and help people afford a college education. Does the Democratic leadership think scrapping them is good for our young people, good for our economy, good for middle-class families?

The last item on this chart is where both parents work and have to deal with childcare expenses. The tax relief package includes enhanced incentives for childcare expenses, and 5.9 million families across America benefit, according to the Joint Committee on Taxation. These provisions helped working mothers and fathers remain in the workforce while having a family. Does the Democratic leadership think we ought to take away these childcare benefits from working families?

I have taken my colleagues through about \$407 billion of tax relief. It sounds a lot like an abstraction, but it provides relief to almost every American who pays income tax. I ask any of those who want to adjust or restructure the bipartisan tax relief, where would they cut in this package? Where would they cut? It would be very difficult, considering how this tax package has contributed to the revitalization of this economy, according to Chairman Greenspan, to touch it at all. It seems to me they would not want to kill the goose that laid the golden egg. Wouldn't they want to keep that goose laying those golden eggs into the next decade and do it today instead of waiting until 2010 to do it before it sunsets? The principle of the predictability of tax policy to get business to create jobs is very important. It is very unpredictable now. We get to 2009 and 2010, and we are not going to get the long-term investment until people know what the tax policy is. Some economists tell us this has a very detrimental impact on the economy.

When you ask what you would restructure or adjust, would you hit the 10-percent bracket, drive up taxes for low-income people, or would you hurt small business tax relief and kill the engine that creates most of the jobs, or would you eliminate the refundable child tax credit so parents, where both parents work, would have additional costs of working, and maybe one of them would have to leave the workforce, or do you want to kill small business and farmers by not reforming

the estate tax, or do you want to penalize married people again by doing away with the marriage penalty relief?

What about dividend and capital gains relief, one of the tax bills that has brought \$708 billion of new revenue because of increased economic activity, because we are letting 70, 80 million taxpayers decide how to spend their money instead of 16,000 corporate executives, if it is retained in the corporation instead of being given out in the form of dividends, or do you want to hurt people who are getting a college education because of the tuition tax credit or childcare generally?

In a smooth-running, with above-average levels of individual income tax as a percentage of gross domestic product, even with this tax relief package in place since 2001 and 2003, what area, I ask the people who want this to sunset and bring in more revenue because they want to spend more, would they adjust? Where would they restructure? Why undo a bipartisan tax cut that makes the Tax Code more progressive?

I say that without any hesitation whatsoever based upon the judgment of the Joint Committee on Taxation that those making more than \$200,000 a year are paying a higher percentage of income tax than they were prior to the 2001 tax cut. As things stand right now, based upon the budget resolution that passed this body last month, bipartisan tax relief is in danger. The Democratic Senate has only provided for 44 percent of the tax relief beyond 2010, and the Democratic House has not provided for any. I am sure much will be said of the high cost of tax relief, but those comments are inherently misleading. My colleagues need to think about the high cost to the American taxpayers when they are hit with the largest tax increase in the history of the country that is going to happen without even a vote of the Congress.

Federal revenues are already at historically high levels, and if something is not done soon Americans will be hit with an additional wall of tax increases, January 1, 2011. If what some have called tax cuts for the rich expire, a family of four with incomes of \$40,000 will face an average tax increase of \$2,052.

In order to protect the interests of working Americans, our collective Republican leadership has introduced a bill, S. 14, called the Invest in America Act, to ensure that this largest tax increase in history does not go into effect. This bill will help small businesses. It is going to help families afford college. It will help seniors who rely on capital gains or dividends for income. It will help working parents take care of their children.

Why doesn't the Democratic House want to do any of these things? Which 44 percent of tax relief does the Democratic Senate have in mind? When I say this Republican leadership bill invests in America, it maintains existing tax policy. It is going to make sure the taxpayer doesn't run up against this tax increase wall.

I want to end today, as I did in some remarks I made last week, by urging the Democratic caucus to tear down this wall. The Republican Congress is eager to work with them in bipartisan cooperation to promote a progressive and fair Tax Code and to prevent a wall of tax increases from crushing the American taxpayer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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, may I ask, what is the business, what is the regular order?

The PRESIDING OFFICER. The Senate is considering the motion to proceed to S. 378.

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

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

The Senator from Kentucky is recognized.

#### MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. BUNNING. Mr. President, I wish to take a few minutes to talk about the vote we had earlier today on the Medicare noninterference provision, which prohibits the Secretary of the Department of Health and Human Services from getting involved in the negotiations between the private plans offering the Medicare drug benefit and the drug manufacturers.

I did not vote for cloture today because I support the Medicare prescription drug benefit. The benefit is working well. Seniors have access to drugs. They are saving money, and most beneficiaries are happy with the benefit. Removing the noninterference provisions, as the Democrats want to do in S. 3, would jeopardize the Medicare drug benefit and could force beneficiaries to rely on a one-size-fits-all big Government bureaucracy for their prescription drugs.

I was a strong supporter of the 2003 Medicare drug bill and worked very hard to get it passed. For too long, Medicare had not covered prescription drugs for seniors, even though many of these drugs are life sustaining and life enhancing. Since the drug bill was enacted, all Medicare beneficiaries have access to prescription drug coverage, and low-income beneficiaries receive substantial help in affording their prescription drugs.

One of the most important elements in the 2003 bill was allowing private plans to offer the prescription drug benefit. Under the bill, these plans negotiate with drug manufacturers for the prices on prescription drugs, and then market their benefits to beneficiaries.

Medicare beneficiaries have a choice of plans to select. In my State of Ken-

tucky, there are 24 companies offering 54 plans. All of these plans are different, and each one of them offers a different formulary. Plans compete with each other by offering the best benefit, which may not mean the same thing to all 40 million Medicare beneficiaries. Some beneficiaries may not have many drug expenses each month, so they can go with a cheaper plan. Other beneficiaries may have more costly drug expenses and may need a plan that offers more coverage.

The point of having private companies offer the drug benefit was so seniors could pick the plan that works best for them. It is working, and seniors are saving a substantial amount of money. In fact, the average beneficiary is saving about \$1,200. Ninety percent of Medicare-eligible beneficiaries have drug coverage, and 80 percent of them are satisfied with the program.

To me, this sounds like a success—a real success. Part of this success comes from the fact that we kept the Medicare bureaucrats out of the program. Traditionally, Medicare is a one-size-fits-all program that sets prices for doctors, hospitals, nursing homes, hospice care, ambulance providers—you name it.

Medicare beneficiaries should ask their doctors the next time they see them how fairly Medicare reimburses them. I suspect most doctors would say their reimbursements fall short of their actual costs, and they are constantly on the lookout for ways Medicare may try to change their reimbursement for the services they offer.

The drug benefit, however, is different. It allows the drug plans to negotiate directly with the manufacturers for prescription drugs. These plans, then, have to attract Medicare beneficiaries to join their program by offering the best possible benefit. A plan that does not offer a competitive benefit will not attract members. A plan that offers an attractive benefit will attract members to its rolls.

It is simple—really, it is—and it is working. The Democrats would have you believe Government negotiation is going to save money for Medicare and seniors. Unfortunately, they are wrong.

First of all, saying Medicare will “negotiate” is a fallacy. Medicare does not negotiate; it sets prices. Just ask your doctor how often the Medicare Program negotiates.

Second, the Democrats haven't said a word about how this new authority would actually work. There wasn't one word in S. 3 about what this negotiation would look like. Is Medicare going to negotiate for only a few drugs, as some Members have suggested? No one knows. Are they negotiating prices for all drugs? No one knows. Will the Secretary actually deny access to certain drugs if he doesn't get the price he wants? No one knows. It seems to me that before you undermine a successful, well-received program such as the Medicare prescription drug benefit, you better have the guts to tell people exactly how it is going to change.

Third, there is a real concern by experts in this area that Government price-setting for Medicare drugs could cause drug prices to increase for other payors, including Medicaid, the Veterans' Administration, and private purchasers. This hardly seems like a good plan.

Finally, the Congressional Budget Office has said repeatedly over the years that removing this provision has a negligible effect on Federal spending. In fact, CBO Directors under both Republican- and now Democratic-controlled Congresses have come to the same conclusion. Without Medicare creating a national formulary and limiting access to drugs, it is unlikely they would be able to get a significant discount on drugs.

I also wish to point out that this provision isn't new. In fact, prior to the passage of the 2003 Medicare drug bill, many Members of Congress had proposals to add a prescription drug benefit to Medicare. Many of these bills, including those by Democratic lawmakers, included a noninterference provision. For example, the former Democratic leader, Senator Daschle, in the Senate had a bill in 2000 that included such a provision. This bill was cosponsored by 26 Democratic Members still serving in Congress, including the current chairman of the Finance Committee, Senator BAUCUS. It is curious that this language was fine for Democratic bills but for some reason isn't fine presently for this bill.

The Medicare drug bill we passed in 2003 is working well. Beneficiaries have access to drugs, and people are saving money. Now is not the time to significantly alter the program and rip out the competition that is working so well.

Mr. President, I yield the floor, and 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 rescinded.

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

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

#### CLOTURE MOTIONS

Mr. DORGAN. Mr. President, this morning, in one of the newspapers that covers Capitol Hill, there was a story with some complaints by the minority and the leader of the minority that the majority is filing what are called cloture motions. We are, in fact, filing cloture motions, and the reason we are doing it is because the minority doesn't want to move to debate the issues.

To give you an example, in recent days, we have had to file a cloture motion to have a vote on the Intelligence

Authorization Bill. It turned out the minority, in nearly a unanimous vote, succeeded in blocking our ability to even debate the bill. That was the motion to proceed on the debate, not the debate itself. The question is: Shall we proceed to debate reauthorization of intelligence? The minority said we won't give you the permission to approve the motion to proceed. We are going to have to have you file cloture on that. We will then have a cloture vote and 40-plus will decide to march in against it. So you cannot proceed on the intelligence reauthorization.

On the issue of negotiating lower prescription drug prices, the minority says we won't allow you to go to the bill to negotiate lower drug prices under Medicare. You have to vote on a motion to proceed. They come over and, by and large, oppose the motion to proceed so we cannot go to negotiating lower drug prices for Medicare.

About an hour or two ago, we had to have a vote on going to the issue of court security—security in our court system. They required us to file cloture and have a vote on the motion to proceed to going to security for America's court system. It is unbelievable.

Let me go back for a moment on this issue of intelligence. They required us to file cloture on the motion to proceed. If there is anything critically needed by this Congress and this country—especially this country—it is to get this issue of intelligence right. Why is that important? We live in a very dangerous world. We face a lot of threats and challenges. We have been through the last half decade or more in a circumstance where the intelligence function in our Government has dramatically failed. The consequences of that have been life or death. Here are some examples:

We went to war with Iraq. We had many top secret briefings prior to the war given by our intelligence officials and top members of the administration. They told us, for example, that the country of Iraq threatened this country because it had mobile chemical weapons labs. They gave us substantial information about mobile chemical weapons labs in Iraq. It turns out now, much later, we discover that in fact those so-called laboratories didn't exist. The information our intelligence community gave Congress came from one source, a man who was named "Curve Ball," who was largely considered to be a drunk and a fabricator. A single source—someone considered to have been a drunk and a fabricator—convinced our intelligence community and this administration to tell us and the American people that Iraq threatened this country because they had mobile chemical weapons labs. We now understand that wasn't true, but it was part of the foundation upon which a decision was made to go to war.

Aluminum tubes for the reconstruction of a nuclear weapons program in Iraq—we were told there was a nuclear

weapons program, the reconstruction of which will threaten our country and threaten the world. It turns out the administration and the intelligence community told us a half truth. Some in the administration felt the aluminum tubes specifically ordered by Iraq were for the purpose of reconstructing a nuclear capability. Others in the administration felt equally strongly that there was no such thing involved, that it was for rocketry; it didn't have anything to do with the reconstruction of a nuclear weapons program. The intelligence community did not tell Congress about that portion of the debate.

Yellowcake from Niger. The President told the Congress in briefings and intelligence sources upstairs that Iraq was attempting to procure yellowcake from Niger for the purpose of reconstituting its nuclear capability. It turns out that was based on falsified documents, fraudulent documents. Based on a lot of information, including yellowcake from Niger, and allegations about Iraq trying to secure it, aluminum tubes purchased it was alleged for the purpose of reconstructing a nuclear capability, or mobile chemical weapons labs, reports of which came from apparently one source, a single source, a drunk and fabricator who used to drive a taxicab in Baghdad. That was the basis, at least in part, on which to build a foundation that told this country a threat exists against the United States and we must take military action against the country of Iraq.

We know what has happened in the interim. This war with Iraq has cost an unbelievable amount of money and lives. It has cost this country dearly around the world. Now we are in a situation where, according to the latest National Intelligence Estimate that there is a civil war in Iraq. That is a combined judgment of all of the intelligence sources in our country and the top intelligence officers and folks in the administration.

It is not, as the President seems to suggest, the fight against al-Qaeda in Iraq. Our National Intelligence Estimate tells us what it is. It is sectarian violence. There is some presence of al-Qaeda in Anbar Province in Iraq, but principally what is happening in Iraq is not about al-Qaeda and terrorists; it is about sectarian violence, committing acts of terror—Sunni against Shia and Shia against Sunni—and the most unbelievable acts of terror you can imagine.

In fact, the head of our intelligence has since said this, that the greatest terrorist threat to our country is with al-Qaeda and its leadership, which is in a secure hideaway in Pakistan. These are the people who boasted about murdering innocent Americans on 9/11/2001. No, they have not been brought to justice. They are, according to the head of our intelligence services, in a secure hideaway in Pakistan.

What, then, should be our greatest goal? What should be our priority? Continuing in a civil war in Iraq, having our troops in the middle of a civil

war in Iraq? Or deciding we are going to go after the terrorists who represent the greatest threat to our country, al-Qaida? That is not from me. The description of that comes from the head of our intelligence services in this country.

I have described the mistakes that were made. In fact, there was no oversight, of course, in the last few years in the Congress, none at all—no hearings, no oversight to talk about this. So I held oversight hearings as chairman of the Democratic Policy Committee. One day, I had four people come before the committee who previously had worked for the CIA, and others. One of whom was COL Larry Wilkerson, who served 17 years as a top assistant to Colin Powell, including when he was Secretary of State. He was there when the presentation was made at the United Nations. He said later that was the perpetration of a hoax on the American people.

I cannot pretend to know what went wrong or how. I know in the aftermath that this Congress, with the majority that existed last year, held no oversight hearings and didn't seem to care, wanted to keep it behind the curtain. I know this, however: Going forward, this country's future and this country's security depends on good intelligence. It depends on our getting it right, and it depends on our knowing what is happening. Reauthorizing the intelligence functions of our Government is critical.

It undermines our soldiers, in my judgment, for us not to take action to provide the very finest intelligence that can be available to us through reauthorizing our intelligence functions. It should have been done before, but it wasn't. It is brought to the floor now, but it will not be allowed to be debated because the minority says they don't want to reauthorize the intelligence functions under these conditions. I don't understand that. I think that shortchanges the American people.

But it is not just intelligence. Earlier today, the minority said we will not allow you to move forward on a domestic issue, and that is having the American people feel as though their Government is giving them the best deal possible by negotiating decent prices with the pharmaceutical industry for drugs that are purchased under Medicare. We hoped to have a debate about that. In 2000, the drug companies, the pharmaceutical companies, ran an advertising campaign in this country in support of creating a Medicare drug benefit. This is what they said: They touted a study that said private drug insurance will lower prices 30 to 39 percent. That is what they said.

We understand about prices. Mr. President, let me, if I might, show you two bottles that formerly contained medicine. This is Lipitor. The American people understand about drug pricing and the unfairness to the American people. This is a drug produced in Ireland. A lot of people take it to lower

their cholesterol. These bottles are, as you can see, identical. They held tablets of Lipitor, made in the same plant, FDA approved—exactly the same medicine. The difference is this one was actually sent to Canada to be sold. This one was sent to the United States. Well, this one was twice as expensive to the U.S. consumer. The same pill made by the same company, made in the same manufacturing plant, sold in two different places—one in Canada and one in the United States—and Americans were told you pay double. And it is not just Canada. Almost any country I could name will be paying lower prices for the same drugs, because the American consumer is charged the highest prices.

We have legislation to try to respond to that. There is plenty of opposition in this Chamber. The first step in dealing with this is for the Government, as the institution that created the prescription drug benefit under Medicare, to be using its capability to buy in large quantities to reduce the price by negotiating with the pharmaceutical industry. But when the prescription drug plan for Medicare was put into place in this Chamber, then the Republicans in the majority said: We are going to prohibit the Federal Government from negotiating lower prices with the pharmaceutical industry.

That is almost unbelievable, when you think about it. Can you think of anybody in your hometown doing that—saying we are going to do business with somebody, but we are going to be prohibited from negotiating the best price? Well, nonetheless, that was the law, and so now we are trying to change it to say, no, we believe the Federal Government ought to be allowed to negotiate better prices for quantity discounts. Yet, now the minority party will not even allow us to continue because they force a cloture vote on a motion to proceed—not the bill itself, but on a motion to proceed to the bill—and they block it.

Well, the pharmaceutical industry had said if we pass prescription drug benefits in the Medicare Program, it would lower prices 30 to 39 percent. Has it done that? Well, no. I will give you examples: From November 2005 to April 2006—that is a half year—the prices charged for the 20 drugs most frequently prescribed to senior citizens increased by 3.7 percent, or about four times the rate of inflation. In the first quarter of 2006, drug prices shot up 3.9 percent, the highest first quarter increase in drug pricing in 6 years.

Now, some of my colleagues will argue that private plans are doing a terrific job of negotiating with drug companies. Well, we recently did a study on this subject. We did a study of 53 stand-alone Part D plans that are available in my State. We looked at the prices these plans paid for the 25 drugs most frequently prescribed to senior citizens. If those senior citizens bought the drugs at average Part D prices, it was \$829. If you walked into

the pharmacy downtown, it was \$845. At Costco, it was \$814. Where is the 30 to 39-percent discount here because the Federal Government has now become a giant purchaser? We used to get discounts under Medicaid—still do, in fact, under Medicaid, but those low-income senior citizens who migrated from Medicaid to Medicare mean we now pay more because we don't negotiate for lower prices with the prescription drug industry under Medicare. And that is the problem.

If all Secretary Leavitt would do as Secretary of HHS is to buy part D prescription drugs from Main Street pharmacies, Medicare will save money. I don't understand why those who are self-labeled as conservative would not be on the side of having the Federal Government make the best deal it can to save money when it is making bulk purchases of prescription drugs.

I understand part of what is happening. Part of what is happening is the pharmaceutical industry has a great deal of clout, and there is support for them in this Chamber. I don't come to the floor denigrating the industry. I don't like their pricing policies. I have told them that. The pharmaceutical industry produces some lifesaving medicine, some of it with research paid for by the American taxpayers through the National Institutes of Health and other venues, and some of it through their own research investment. They produce lifesaving medicines, and good for them. But lifesaving prescription drugs offer no miracles to those who can't afford to buy them, and pricing is an issue for all Americans.

With respect to the issue of senior citizens who are getting their prescription drugs now under the Medicare Program, pricing is an issue for the taxpayers because we are paying a much higher price than we should if we were to buy prescription drugs as we do in the veterans system, in the VA system. They are allowed to negotiate for lower prices in the VA system, and the result is dramatic.

We pay much lower prices for those prescription drugs because the Federal Government, as a very large producer, has the clout to negotiate lower prices. The Government is prevented specifically by law from doing the same thing with respect to the Medicare Part D Program, and it makes no sense at all.

I started by saying the minority party is now complaining in the newspapers this morning about the number of cloture motions that are filed in this Chamber. That is inconvenient, apparently, or they don't like it. I understand. But the fact is, the very party that complains about the cloture motions is objecting even to moving to a motion to proceed.

The motion is not shall we debate this issue, the motion is shall we proceed to the issue for a debate, and they are requiring that we file a cloture motion because they will not debate the motion to proceed, let alone the issue itself.

It was interesting that after the cloture motion failed on the motion to proceed because the minority blocked it, we had some people come to the floor to speak about the issue this morning to defend the pharmaceutical industry and say: No, the Federal Government shouldn't negotiate. It seems to me if they wanted to speak about the issue, why wouldn't they support the motion to proceed so we could actually get on the debate and they could debate on the issue rather than debate outside of what they have prevented?

I don't understand that. Maybe I shouldn't say that. I guess I do understand it. The complaint about our being required to file cloture motions comes from those who don't want to apparently go to intelligence reauthorization. They don't want to debate that bill, so they blocked it. They don't want to debate a provision that will allow us to negotiate lower prescription drug prices, so they blocked that bill. They forced us to have a vote on the motion to proceed on providing court security, for God's sake, in the shadow of the unspeakable tragedy and the heartbreak all of us feel with what has happened at Virginia Tech. The issue of court security ought not be controversial. Why on Earth should we be forced to file a cloture motion? Why should there be required a vote on the motion to proceed to something such as this issue? It doesn't make any sense.

The fact is, I have always said I think both political parties contribute something to this country. I believe that. We ought to get the best of what each can contribute to this country rather than what we often do, the worst of each. The best of what both parties can contribute to this country would give this country something to feel proud about. We ought to bring these issues to the floor of the Senate. Yes, reauthorize intelligence, yes, allow us to debate the issue of why shouldn't we negotiate lower priced prescription drugs on behalf of the taxpayers and on behalf of the American citizens. I held a hearing this morning on international trade. Yes, let's have that debate on the floor of the Senate. Why are we drowning in an \$832 billion trade deficit? Why are American jobs being shipped off to China?

Let's have these debates on the floor of the Senate. Let's bring the bills out and have these debates rather than have exercises to try to block anybody from getting anything done. That is what has been happening. Block people from getting anything done and then go complain to the press that nothing is getting done—that is a very self-fulfilling prophecy but not very genuine, in my judgment.

I hope in the coming days and weeks—we have 6 weeks or so before there is a period of a few days off during the Memorial Day break—my hope is that during this period of time, we can move forward on some of these issues on the floor of the Senate, have

aggressive debates, and try to get the best ideas that could come from both Republicans and Democrats and put them in legislation that will advance this country's interests.

This country deserves that debate on fiscal policy, on trade policy, on foreign policy, on a whole range of issues. This country deserves that from this Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Jersey.

#### TRAGEDY AT VIRGINIA TECH

Mr. MENENDEZ. Mr. President, I rise today with an incredibly heavy heart to talk about the tragedy at Virginia Tech. Today families and loved ones across the Nation are grieving. A community, a college, and a nation are struggling to mourn the loss of more than 30 of its best and brightest.

I rise to speak today because, as we know, it is not just Virginia that is suffering, but this is a pain that is felt all across the country. This tragedy hit particularly close to home in New Jersey. At least three New Jersey families have suffered unspeakable losses. They are enduring any parent's worst nightmare—losing a child.

These three young people had yet to carve out their path in life, but each had promising ambitions, dreams they hoped to fulfill, and diverse interests that would, no doubt, have left their mark in this world.

Matt LaPorte, a 20-year-old from Dumont, was a talented student and musician who hoped to serve in the Air Force. He was in the Air Force ROTC attending Virginia Tech on a scholarship. A former Boy Scout, Matt was known as a gifted cellist and was a drum major in his school's marching band.

Julia Pryde, from Middletown, had graduated from Virginia Tech with a degree in biological systems engineering and was working on her master's degree. She was drawn to environmental engineering and was interested in clean water issues in South America, a passion that would no doubt have led her to further travel and work abroad. Friends have described her as having a bright spirit and as someone who loved to see the world.

Michael Pohle, Jr., from Flemington, was preparing to graduate in just a few weeks. A biochemistry major, he was working on finding a job that was a good fit for him and that would keep him close to his girlfriend Marcy, whom he had planned to marry. A natural athlete, he was known for his outgoing personality and a glowing smile.

These were young, innocent, and promising lives lost in Monday's vicious attack. Those who knew and loved them may never be the same. We cannot mend the hole in the hearts of the families who are suffering, but we can honor each life lost and carry on their memory.

I join all of my fellow New Jerseyans in offering my condolences to the families and friends who knew and loved these three young people.

I also extend my thoughts and prayers to a fourth New Jersey family who has been watching over their son, Sean McQuade. I join them in hoping and praying for his full recovery.

My heart goes out to all the families who are suffering because of this senseless tragedy. Our Nation grieves with them, and we share in their sorrow.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, again, this morning the Senate voted overwhelmingly to proceed to the court security bill. Ninety-four Senators voted for cloture to bring debate to a close on the motion to proceed to the bill. Yet here we are still stuck in postcloture debate or, in fact, nondebate on that procedural step of going to the bill.

I have heard rumor that one Senator, a Senator on the Judiciary Committee the panel that unanimously reported this very bill, now has 10 amendments to propose. I say to him and to all Senators, that no amendments can be offered until we get to the bill. This objection is apparently what is preventing that.

Today, we may finally make progress on security in another important setting by turning to the Court Security Improvement Act of 2007, S. 378. Frankly, this legislation should have been enacted last year but was not. It should not be a struggle to enact these measures to improve court security. We are fortunate that we have not suffered another violent assault on judges and their families.

It was 2 years ago when the mother and husband of Judge Joan Lefkow of Chicago were murdered in their home. Judge Lefkow's courageous testimony in our committee hearing in May 2005 is something none of us will forget. We witnessed the horrific violence at the courthouse in Atlanta in which a Georgia State court judge was killed. And then last year there was the violence against a State judge in Nevada. Despite our efforts and the commitment of Senator DURBIN and Senator REID, despite Senate passage of this measure twice last year, Congress has yet finally to enact these measures to improve court security.

I introduced this bipartisan measure on January 24, 2007, along with Senator SPECTER, the majority leader, Senator DURBIN, Senator CORNYN, Senator KENNEDY, Senator HATCH, Senator SCHUMER and Senator COLLINS. Senator CARDIN also joined the bill as a cosponsor. House Judiciary Chairman JOHN CONYERS introduced an identical measure in the House also with bipartisan support. We hoped to send a signal with our bicameral, bipartisan introduction at the beginning of this year that we intended to move quickly to complete our work and increase legal protections for the Judiciary and their families.

The Judiciary Committee then held a remarkable hearing in February with Supreme Court Justice Anthony Kennedy. That hearing reminded us all of

the need to provide resources and protections crucial to our Federal and State courts. We also discussed the critical need to preserve the independence of our Federal Judiciary so that it can continue to serve as a bulwark protecting individual rights and liberty. As the Judiciary Committee discussed in our hearings, the independent Judiciary faces many types of threats. I take all of these threats seriously, from the threats to judges' physical safety to rhetorical attacks by some affiliated with the political branches upon their independence. We cannot tolerate or excuse violence against judges, their families and those who serve our justice system.

Nor should we excuse the overheated rhetoric that has become so prominent in political campaigns lately. During the last few years, even as judges have come under physical attacks, we have seen federal judges compared to the Ku Klux Klan, called "the focus of evil," and in one unbelievable instance referred to as a threat "more serious than a few bearded terrorists who fly into buildings." A prominent television evangelist proclaimed the Federal Judiciary "the worst threat America has faced in 400 years—worse than Nazi Germany, Japan and the Civil War." We have seen some in Congress threaten the mass impeachments of judges with whom they disagree and heard comment that violence against judges could be brought on by their own rulings. That is irresponsible and dangerous.

Justice Sandra Day O'Connor has spoken out in recent years about the danger of this rhetoric and criticized the uncivil tone of attacks on the courts, noting that they pose a danger to the very independence of the Federal Judiciary. Like Justice O'Connor, Justice Kennedy urged us to find a more civil discourse about judges and their decisions. This high-pitched partisan rhetoric should stop, not just for the sake of our judges, but also for the independence of the Judiciary. Judicial fairness and independence are essential if we are to maintain our freedoms. During the last few years it has been the courts that have acted to protect our liberties and our Constitution. We ought to do all we can to protect them, physically and institutionally.

We can take a significant step today by passing the Court Security Improvement Act. This bill responds to the needs expressed by the Federal Judiciary for a greater voice in working with the U.S. Marshals Service to determine their security needs. It would enact new criminal penalties for the protections of judges, their families, and others performing official duties, expand resources available to state courts for their security, and provide additional protections for law enforcement officers.

Our Nation's Founders knew that without an independent Judiciary to protect individual rights from the political branches of Government, those

rights and privileges would not be preserved. The courts are the ultimate check and balance in our system. We need to do our part to ensure that the dedicated women and men of our Judiciary have the resources, security, and independence necessary to fulfill their crucial responsibilities. We owe it to our judges to better protect them and their families from violence and to ensure that they have the peace of mind necessary to do their vital and difficult jobs. Our independent Judiciary is the envy of the world, and we must take care to protect and preserve it so that it may preserve, protect and defend the Constitution of the United States and the rights and liberties that define us as Americans.

I thank the majority leader for recognizing the significance of this bill and seeking to move to it. The Judiciary Committee voted unanimously to report the bill after its consideration. I have taken care to report the bill favorably to the Senate with a committee report, which has been available since last month.

I was disappointed that we could not gain the consent of the other side to adopt this measure, pass it and send it to the House for its consideration last month. An anonymous Republican objection has stalled Senate action in that regard. Last week, the majority leader sought consent to proceed to the bill, but that was prevented by Republican objection. The Senate has been required to file a cloture petition in order to consider the majority leader's motion to move to this bipartisan, court security legislation.

I do not know exactly who has objected or why. It is unfortunate. I have heard rumors that someone objects to the authorization for States, local governments, and Indian tribes to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes. That was a provision contained in the court security bill we passed last year. While other useful programs were required to be stripped from the bill, that one was retained when the Senate passed this measure last fall. I do not know why someone who agreed to that provision last year now finds authorizing a victim program objectionable. We are about to honor and recognize the importance of crime victims by commemorating National Crime Victims' Rights Week beginning this Sunday, April 22. I hope we can pass this bill with the authorization to prevent threats, intimidation and retaliation against victims of violent crime intact.

I look forward to Senate consideration and passage of this worthwhile legislation. I hope that secret holds and extraneous proposals will not be used to complicate its passage by the Senate and enactment by the Congress. We have a great deal to do. We have an ambitious agenda to assist the judicial branch. We need to extend needed temporary judgeships that are otherwise

expiring and expired. We need to consider the important issue of judicial pay. We will need next year to take a comprehensive look at what additional judgeships are needed in the Federal Judiciary. I hope that those who have acted to delay us will work with us and get down to business. It is past time to enact this judicial security legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the chairman of the Judiciary Committee for stating that the debate we are having on this bill isn't really about the bill. The debate is about the process.

We had an election in November, and one of the things outlined by that was that Americans are concerned with excessive spending. There are some big facts that face us. Our judiciary is not nearly as at risk as our children and grandchildren are from the lack of cogent and disciplined spending by this body.

The reason we are at the place we are today is because I believe, and the vast majority of Americans agree with me, that we have to have priorities in how we spend our money. For us to be good stewards of the American taxpayers' dollars, we ought to establish priorities. This bill is a priority. I support the concepts behind the bill, and I will go through them in a minute. But what should be a greater priority for us is that we offer our children and grandchildren the same opportunities, the same freedoms, and the same liberties we enjoy.

The way the Senate works is something I believe needs to be changed, and I am willing to stand out here on every bill that comes to this floor to do exactly the same thing as I am going to do today. Here is the little problem that nobody—or very few in the Senate—wants to address. We react and create a good piece of legislation. This is a good piece of legislation. But we don't do the other half of our job, and the other half of our job is to get rid of the things that aren't working well.

Assume for a minute that every bill we authorize every year is done in a manner that says everything else in the Federal Government is working well. First of all, you ask the average citizen, and they would say: No, that isn't quite right. You go down, and everybody has a different complaint. But the fact is, we continue to authorize, we continue to authorize, and we continue to authorize, but we never go back and look at what isn't working and deauthorize.

My complaint with this bill isn't with the Senator from Pennsylvania. He was very cooperative in trying to address my desires for us to deauthorize certain things that either have excess monies or programs that aren't efficient or aren't working as they were intended to. However, when approaching the chairman of the committee, he refused to even consider the idea that

we ought to deauthorize something that isn't working in order to create this thing we all know is needed. It is a good piece of legislation, and we ought to pass it, and we will pass it. But the point that needs to be made to the American people, a point they agree with, is that authorizing a new piece of legislation is only half of our job. As a matter of fact, it shouldn't even be half. We ought to spend three-quarters of our time looking at what we are doing already that is authorized and making sure it is working efficiently. I don't think anybody in their right mind would disagree with that.

We, in my subcommittee in the 109th Congress, along with TOM CARPER, held 49 oversight hearings on the Federal Government. What we found is that of the discretionary budget, the non-Medicare, non-Social Security, non-Medicaid budget, \$1 in every \$5 we spend is either wasted, abused, defrauded, or duplicated. It hardly seems fair to a middle-income taxpayer out there, who only yesterday paid their taxes and got hit with an extra \$1,500 or \$2,000 under the AMT, that they would have to pay that extra money at a time when we are allowing \$1 out of every \$5 to be wastefully spent, misspent, abused, or defrauded.

So the idea behind what I sent to all of my fellow Senators at the beginning of the year—and the Senator from Vermont knows very well why I objected to coming to the floor without a motion to proceed, without a cloture on that; it is because he represents what I think has to be changed—that we have to be responsible stewards of the American taxpayers' dollars, and we are not.

The idea is to change the culture of how we work. How do we do that? Well, we don't do it by continuing to pass new authorizations without ever looking at what could be deauthorized to pay for what we are authorizing anew. What we do is we fail the test of being good stewards to the very people we represent. As I said, Senator SPECTER, the ranking member on the Judiciary Committee, was very cooperative in trying to find those offsets. I think he basically agrees with my contention that we ought to be about doing good things, but we also ought to be about getting rid of the things that aren't working.

It saddens me to think that all through this 110th Congress, I am going to be doing this on every new authorization that comes out here if my colleagues don't believe we ought to be changing the way we work. It is a simple request. It is easy to find the offsets. As the Senator from Pennsylvania knows, we had offsets for this bill in terms of deauthorizations. They weren't acceptable to the chairman because he disagrees with the underlying fundamental premise of what I believe is an absolute obligation for us in terms of being good stewards.

At the beginning of this Congress, I sent a letter to every Member of this

body, and I outlined some principles under which I was going to work in this Congress. I am dedicated to those principles, and it doesn't have anything to do with me or anything to do with the parties. I don't care who is in the majority or who is in the minority.

It has to do with our future. That is what this is about. This is about fighting for our future and having a long-range vision rather than a short-term vision of putting out a fire somewhere.

The principles I outlined said that I would put a hold—and, by the way, the chairman this morning said there was an anonymous hold. That is not true. I very eloquently and directly communicated my hold on this bill. And the letter I sent to everybody in the Senate at the beginning of this Congress directed that I would be the one holding the bills. I said this:

If a bill creates or authorizes a new Federal program or activity, it must not duplicate an existing program or activity without deauthorizing the existing program. That is No. 1. And several bills I had last year were duplications.

No. 2 is, if a bill authorizes new spending, it must be offset by reductions in real authorized spending elsewhere. How are we ever going to control our deficit? And we do not have, as the administration said, a \$170 billion deficit. Our real deficit, what we actually added to the debt last year, what we actually added to our children's debt, was about \$340 billion. So when we are adding \$340 billion every year to our kids' and grandkids' debt, isn't it incumbent upon us to do the necessary things to make sure that doesn't happen in the future? Well, one of the ways to do that is to look at programs which aren't working and are not effective and which do not need authorization.

What happens in the Senate is that the appropriators decide what will get spent and what won't get spent. But the authorizing committee, the committee that is charged with that area, never deauthorizes anything. So we have this continuing mounting of authorization, with limited dollars to go for it, which never forces real priorities or a debate over the priorities by the authorizing committees.

The third point I made is that if a program or activity currently receives funding from sources other than the Federal Government—i.e., a match—then we shouldn't increase the role of the Federal Government in terms of increasing the percentage the Federal Government pays. Take our \$340 billion deficit. Every State, save one, has a surplus. They did last year, and they will this year. So if States have surpluses and we have a deficit, we shouldn't increase our role. We shouldn't be doing that.

Finally, if we create a new museum or some new cultural program, then we ought to endow it rather than set it up for its continuing cost. We should use the power of compound interest to help us save money in the future. If we real-

ly think something is important enough to invest in, we should endow that and use the power of compound interest with the idea that the endowment will earn enough money to take care of that program in the future rather than passing that new program off to our kids.

Four very simple things that I ask.

I also stated in that letter that if I thought something was unconstitutional, then I would object to it, also. However, that doesn't apply in this instance. There is a legitimate role for us here. This is a good piece of legislation. But it does lack one of the criteria under which I stated I would try to hold bills up. I have no intention of filibustering this bill. I have no intention of making it difficult to pass the bill. I have every intention to make it an issue with the American people that we are not doing our job and that we are better than that. We are better than that. The people in this body care. The question is, Do we care enough to put the elbow grease into doing what is necessary to preserve the future? I believe we do care. I believe we can, and I believe, with persistence—and the chairman and the ranking member know that if there is anything I am about, it is about being persistent—if it requires this type of structure in terms of bringing bills to the floor, then I am happy to oblige the Senate in that to continue to make the point.

Almost 2 years ago, maybe more than 2 years ago, the infamous bridge to nowhere was brought to light, which bought about the changes we are seeing in earmarks. It was one example, which really wasn't a fair example to the Senator who had that, but nevertheless it characterized and became the caricature for the bad habits we have in Congress.

My hope is that the American people will look at the commonsense approach I am trying to propose for us as we authorize new programs and say: That makes sense. Why would you continue funding things that don't work? Why would you continue authorizations for programs that aren't effective? Why would you continue authorizations for programs that are duplicative? Where one works good and one not so good, why shouldn't we put money into something that works good rather than not quite so good?

So the question is not whether we should have court security. Of course we should. The question is not whether this bill should pass. It should. The question is, How do we address this fact?

Every child who is born in this country today, every one of them, has a birth tax on them. It is now at \$453,000 a child.

People say: How do you get that?

You take the \$70 trillion in unfunded liabilities that we are going to transfer to this next 200 million children, and you can see what they are liable for.

Take 10 percent interest. If you took a 10-percent interest rate on \$453,000,

simple interest, to pay the interest on the debt, to cover what we are leaving to our children and grandchildren, is \$45,300 a year.

The greatest moral question in our country today is not the war in Iraq, it is not who marries whom, it is not abortion, it is not child abuse, it is stealing the opportunity and the heritage this country has given us and taking that away from our children and grandchildren.

I know the Senator from Vermont is not happy with me for doing this. He believes it is fruitless. But it is the very real difference between he and I. I believe there is plenty in the Federal Government that is not working right that we ought to be about fixing, and one of the ways we do that is by forcing ourselves, before we do a new program, to look at the old programs and see what is wrong with them and clean them up. You can debate that. You can object to it. But the fact is, the vast majority of Americans agree with that.

We are going to be going through this multiple times this year until we get to the fact that we are doing what our oath tells us to do. That oath is to the Constitution. We cannot fulfill that oath if we continue to waste money on ineffective programs and authorize programs that are not accomplishing their goals. It is an oath that we violate, an oath to the Constitution but, more important, it is an oath we violate to the very people who sent us here.

Every dollar we waste today is a dollar that is not going to reduce that \$453,000 for our children and grandchildren. One of the greatest joys I have in life today is that I have four grandchildren, each one of them unique, and the great pleasure of seeing your children through your grandchildren and reliving memories. That is always couched in the idea of what can I do to make sure the future is fair and a great opportunity is made available to them and all their peers throughout this country, no matter where they come from, what family they come from. Shouldn't they all have the same opportunities?

If you read what David Walker, the Comptroller General of the United States, has to say—and all you have to do is go on the Web site of the Government Accountability Office—what you find is we are on an unsustainable course. It is not what TOM COBURN says, it is what the head of the Government Accountability Office says. Things have to change. Every day we wait to change them costs us money and makes it more painful when we get around to changing them.

I plan, in a moment, on offering to proceed to the bill. We are out here today because the vision that was created for us, and the heritage that was created for us, is at risk. It is at risk because we do not want to change our culture. We don't want to be responsible. We want to pass but not oversee. We want to do the easy but not the hard. The hard is the thing that is

going to secure the future for our children and our grandchildren.

It is easy for us to pass a port security bill. It is bipartisan. It is hard for us to do the very real work of making sure every penny, of the American taxpayers' dollars is spent in an efficient way, that it is not wasted.

Mr. President, if you think \$1 in \$5 of the discretionary budget of this country should not be wasted, if you think the Congress ought to be about looking at everything and saying, is it working, ought to be about getting rid of the \$200 billion of waste, fraud, abuse, and duplication that is in our Federal Government today, then there is no way you could disagree with the principles I outlined to all the Senators in this body. Yet we find ourselves here at this point in time because the chairman of the Judiciary Committee refuses to agree with the premise that we owe it to our children and grandchildren. That is basically it because I am not about to do that. We do not believe that is necessary.

Something has to change if we are going to give our children and our grandchildren the benefits and the opportunity we have all experienced. I think that is worth taking some time on the floor, pushing the envelope to raise the awareness of the American people. I know I can't change this body through persuasion, through words. But what does change this body is the American people. The American people are the ones who send us here. If they will act, if they will put pressure on, then we will do what we are supposed to do. It is a shame we have to work it that way, but this last election proved that. It proved when we are not doing what we are supposed to be doing, the American people awaken, and they change who has the power, who has the representation.

What I am calling for is let's do that for the American people. Let's do it ahead of time. Let's not make them force a change, let's do what we were sent up to do.

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

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

Mr. COBURN. Mr. President, I make a motion to proceed to the bill.

The PRESIDING OFFICER. The motion is pending. Is there further debate?

If not, the question is on agreeing to the motion.

The motion was agreed to.

#### COURT SECURITY IMPROVEMENT ACT OF 2007

The PRESIDING OFFICER. The Senate will now proceed to the consider-

ation of S. 378, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 378) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment.

[Insert the part printed in italic]

S. 378

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Security Improvement Act of 2007".

#### TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

##### SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

“(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.”.

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

“The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.”.

##### SEC. 102. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting “or a family member of that individual” after “that individual”; and

(2) in subparagraph (B)(i), by inserting “or a family member of that individual” after “the report”.

##### SEC. 103. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of