

Mr. CORKER. Mr. President, I thank the Senator from Illinois. I have to say to my friend from Missouri that I agree that the discussion has been very good. I received an e-mail from my staff regarding what was happening. I got in my car and drove down here. I have to say that as I look across the other side of the aisle and on this side, I have a lot of friends, a lot of goodwill.

I say to the Senator from Illinois, I don't think I have ever, in my short time here, 3 years 2 months, I don't think I have offered a message amendment. I don't think I have ever offered anything that was meant to obstruct unnecessarily. As a matter of fact, I offer very few amendments. I try to do my work with other Senators and bring things to the floor that are hopefully ready to pass.

At the end of the day, the Senator from Vermont is the best I know in this body at talking about compassion for people that I know he believes; I think we all believe. I always listen to him with great awe, candidly, at his ability to express what all of us feel about people who are unemployed or have large heating bills or whatever may exist. I don't really think that is what this debate is about. It isn't. This debate is about the fact we are spending money that we don't have. Yet we have passed a \$787 billion stimulus bill that won't be spent until way beyond 2012.

I cosponsored an amendment, a piece of legislation with the Senator from Colorado, Mr. BENNET, to use some of that unspent money past 2012 to pay down the deficit. He is in a tough race. He wanted me to cosponsor something that was sensible, and I did.

This is really not about the fact that all of us want to see people who are unemployed have these benefits. We don't want to see physicians take a 21 percent cut. It is about paying for it. I wonder if the Senator from Illinois would agree to me offering unanimous consent that we pass this measure that is before us, and we do it tonight. And we pay for it with unspent funds from the stimulus bill that won't be utilized or are not planned to be utilized until beyond 2012. That is what this debate is about. All of us want to see people get unemployment benefits. We want that. We want to see them have all the things that are in this bill. It is not about that. You know that if this bill were offset, it would have been voice voted out of here.

I ask unanimous consent that we pass this measure out, that we offset it with unspent stimulus moneys that are going to be utilized past the year 2012, and then we work together, just like we are tonight, to figure out a way to make up that difference. I know this is something that is very important to the administration.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask for the regular order. I yielded for the purpose of a question.

The PRESIDING OFFICER. The Senator from Illinois yielded for a question.

Mr. DURBIN. I would say to the Senator from Tennessee, here is the difficulty we face. Of the stimulus funds currently sitting there, they have been obligated. They will be spent. There won't be a surplus, we are told, of any funds. This would have come out during the course of the debate, if Senator BUNNING had accepted our offer of the amendment. To agree to this now is to basically agree to what he has been asking for, just say we will pay for it with the stimulus. I don't think it should be, and I don't think it can be. It should be the subject of a good floor debate. That is what the Senate is for.

I understand you can't make a unanimous consent request when I have yielded only for a question. But that would be my response to you based on that.

Mr. CORKER. I would like a ruling from the Chair.

The PRESIDING OFFICER. The Senator from Illinois is correct.

Mr. CORKER. I thank the Senator for yielding for a question, and I thank him for this discussion. I understand my request is out of order. I actually thank each of you for your heartfelt comments. All of us know that we all want to see these benefits extended.

Mr. DURBIN. Mr. President, I am going to ask this unanimous consent request one last time this evening. I will not be making another unanimous consent request until tomorrow morning. There will be an opportunity, I believe, with the Senate coming into session, pursuant to the adjournment script, at about 9:30 in the morning. I will make one request. I will make the same unanimous consent request in the morning. That is the only time I will make it. But at this point that is my plan.

I thank the members of the staff, all of them, who were not notified that this was going to happen this evening and had to make changes in their own personal and family plans as a result.

As we have said, there will be thousands and thousands of people across America impacted by this decision in just a few days. That is why many of us thought it was worth the wait and the effort. I still believe it was.

I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire on Sunday, February 28—unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business provisions of the American Recovery Act, SGR, and on poverty guidelines—received from the House and at the desk, that the bill be read three times, passed, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. It is my understanding we will now move to closing the session. I thank my colleagues on both sides of the aisle, particularly on the Democratic side, for sticking with me through the course of the evening. None of us had planned for this, and it came as a surprise that this issue came before us. I think there were heartfelt sentiments stated here, and I thank them very much for staying with me.

#### REMEMBERING VERNON HUNTER

Mr. KAUFMAN. Mr. President, I rise once again to recognize one of America's great Federal employees. I have spoken before about the values that bind our Nation's public servants together. One of the most fundamental of these is sacrifice.

We see this quality each day in the men and women who serve in uniform, both in the military and in law enforcement. They put themselves in harm's way to keep us all safe and protect our freedoms and way of life.

Those who work in civilian roles also routinely take risks to their safety when performing their jobs, including the many Federal employees posted overseas and at our borders.

This week, sadly, our Nation mourns the loss of a truly outstanding public servant who was killed last Thursday in the tragic attack against an office building in Austin, TX.

Vernon Hunter was a 27-year veteran of the Internal Revenue Service and before that served for two decades in the U.S. Army.

Earlier this month, I honored an IRS employee who made it possible for tens of millions to file their taxes electronically. At that time I spoke about how our IRS employees continually work hard to make it easier and less stressful for Americans to pay their taxes.

Vernon was one of the great IRS managers who helped process tax filings and resolve issues for taxpayers. He had a reputation for being kind and full of life. He always wanted to help people solve their problems. His biography reads like a lesson in service and sacrifice.

A native of Orangeburg, SC, Vernon enlisted in the U.S. Army after graduating from high school. He served two combat tours in Vietnam, at the same time facing discrimination at home when he was turned away from an all-White boarding house despite wearing the uniform. Vernon remained in the Army for 20 years, after which he worked for a short time in the private sector. However, as do many of our great Federal employees, he believed he had always been called to serve his Nation, and he returned to Federal employment nearly three decades ago when he began working for the IRS.

Last week, Vernon lost his life when a small plane appeared out of the clear morning sky and struck his office

building. The pilot also died in an act of apparent suicide, leaving behind a lengthy manifesto condemning corporations, the government, and singling out the IRS. Although 13 people were injured, Vernon was the only person killed in the violent explosion that ensued.

Loyal, dedicated public servants such as Vernon bravely put themselves at risk each and every day through the mere act of doing their jobs. The attack in Austin was, of course, presaged by the Oklahoma City bombing and the anthrax attacks of 2001.

Civilian Federal employees know there is always a risk. Many pass through metal detectors each morning coming to their offices. Mail is screened and emergency drills rehearsed. A Federal office building is a place of both dedicated work and unwitting risk in the name of service to country. Vernon, tragically, epitomized both.

Vernon was 68 years old and is survived by his wife Valerie who also works for the IRS in the same office building, along with six children and stepchildren, seven grandchildren, and a great-grandchild. According to his son, Vernon was planning to retire from the IRS and go back to school. He wanted to teach children with special learning needs. Vernon was also an active member of the Greater Mountain Zion Baptist Church in Austin where he ushered and where his funeral will be held tomorrow.

I hope my colleagues will join me in honoring Vernon Hunter and expressing our condolences to his family, friends, and those who worked with him at the IRS. He made the ultimate sacrifice in service of our Nation.

#### BLACK HISTORY MONTH

Mr. BROWNBACK. Mr. President, I rise today during Black History Month to honor the history and legacy of the First Kansas Colored Infantry, a regiment of former slaves, which was the first group of Black men to fight in the American Civil War.

This regiment of escaped Black slaves was the first organized into service for the U.S. Government. They were commanded by COL James M. Williams. For the first time during the Civil War, Black troops were fighting alongside White troops in the name of freedom and equality.

In June 1862, Kansas Senator James H. Lane started recruiting troops from among free Blacks, especially the increasing numbers of fugitive slaves in Kansas, men who had fled their masters in Missouri and Arkansas. The progressive nature of Kansas made it appealing to slaves fleeing Missouri and Arkansas as soon as the Civil War fighting began. By August 1862, Colonel Williams assembled 500 men in a camp outside Leavenworth. These men fought bravely in July of 1863, at Cabin Creek, when the First Kansas Colored Infantry along with other Union forces

worked to drive the Confederates out of nearly all of Arkansas.

President Lincoln also took note of the bravery of the First Kansas Colored Infantry when he noted to a group of visitors from South Carolina who came to complain about the arming of Blacks: "You say you will not fight to free Negroes. Some of them seem to be willing enough to fight for you." These men of the First Kansas Colored Infantry continued to fight until the end of the Civil War, being credited with seeing action at Sherwood, MO; Honey Springs; Indian Territory; and Lawrence, KS; Poison Springs, AR. They saw more regular combat than any other black regiment of the war. In October 1865, the men of the First Kansas Colored Infantry were discharged at Fort Leavenworth.

Frederick Douglass once stated, "In a composite nation like ours, as before the law, there should be no rich, no poor, no high, no low, no white, no black, but common country, common citizenship, equal rights and a common destiny." These men were willing to give their lives in the hopes for a better future, an equal future, for their children. It is a struggle that continues today, and we look to our history as we continue to engage in it.

Mr. President, the men of the First Kansas Colored Infantry helped shape this nation into a society of freedom and a beacon of hope around the world. I ask that we all thank them and honor their legacy of service.

#### USA PATRIOT ACT EXTENSION

Mr. FEINGOLD. Mr. President, this is not where I hoped we would be, 8½ years after the USA PATRIOT Act became law. Congress should not have passed that law in such haste in 2001 and ought to have enacted meaningful reforms to it years ago. That is why I voted against the PATRIOT Act in the first place, and it is why, Congress after Congress, year after year, I have sponsored and cosponsored bills and amendments to enact changes that would protect the rights of innocent Americans while also ensuring that the government has the authorities it needs to protect national security.

So needless to say, it is far from ideal that the three expiring provisions are being extended for 1 year. But my hope is that Congress will take the opportunity presented by the 1-year extension to finally enact the meaningful changes to the PATRIOT Act that I have been advocating for years. It is well past time to place appropriate checks and balances on authorities like national security letters, whose abuse the inspector general has documented repeatedly; "sneak and peek" searches, which allow government agents to search Americans' homes without telling them until well after the fact; and section 215 orders, which authorize the government to secretly obtain records about Americans without connections to terrorists or spies.

I will continue to fight for these reforms, just as I did a few months ago in the Senate Judiciary Committee. Our committee took up the USA PATRIOT Act Sunset Extension Act in October 2009, and Senator DURBIN and I pushed for improvements on a variety of issues. Some of those amendments were successful, such as the amendment shortening the presumptive time period for delayed notice of a "sneak and peek" search warrant from 30 days to 7 days and the amendment requiring that the Attorney General issue procedures governing the acquisition, retention, and dissemination of records obtained via national security letters, NSLs. There are other provisions in that bill that I strongly support, as well, including new inspector general audits, a sunset for the first time on the NSL authorities, and changes to the NSL and section 215 gag orders to help bring them in line with the first amendment.

But in key ways, that bill fell short, and as a result I voted against it in committee. Most importantly, it did not contain critically important protections for the government's use of section 215 orders and NSLs. Senator DURBIN offered amendments that would have required that the government be able to demonstrate some connection—however tenuous—to terrorism before obtaining an individual's sensitive business records using these authorities. But those amendments were rejected.

This was in some respects mystifying. The Senate Judiciary Committee passed this same standard for section 215 orders unanimously in 2005, and the Senate adopted it by unanimous consent that year, although it was not in the conference report that ultimately became law. The arguments that led the Senate to pass this standard in 2005 still apply. The "relevance" standard in current law is still dangerously overbroad and the burden of proof should be on its proponents to explain why a more focused standard, unanimously supported by the Senate in 2005, cannot serve as an effective counterterrorism and national security tool.

I recall during the debate in 2005 that proponents of section 215 argued that these authorities had never been misused. They cannot make that case now. Section 215 has been misused. I cannot elaborate, but I believe that the public deserves some information about this. I and others have also pressed the administration to declassify some basic information about the use of section 215, and it has declined. I hope that the administration will reconsider and that more information will be declassified before this reauthorization process is completed. I do appreciate that the administration has offered to provide information about this to Members of the Senate beyond those of us who serve on the Intelligence and Judiciary Committees. But that is just a start. We must find a way to have an open and