

The Senator from Hawaii.

THE UNINSURED

Mr. AKAKA. Mr. President, I rise today to address a growing problem in my home State of Hawaii and the Nation, individuals that do not have health insurance. The total number of uninsured people in the United States reached 43.6 million in 2002. Since 2000, the total number of uninsured has increased by 3.8 million. In the State of Hawaii, it is estimated that there are approximately 120,000 people who do not have health insurance.

The uninsured delay seeking medical treatment, which is likely to lead to more significant and more costly problems later on than if they had sought earlier, preventative treatment or proper disease management. Health insurance is essential to making sure that individuals can access health care services and properly manage their chronic diseases, such as diabetes. A tremendous amount of needless pain and suffering can be eliminated by ensuring that health insurance is universally available.

Everyone should have access to affordable health insurance. We must expand Medicaid and the State Children's Health Insurance Program, SCHIP, to provide essential access to health care for more people. In addition, we must take steps to help rein in health care costs in an attempt to keep coverage affordable. Providing additional resources for disease management programs and primary health care services will lead to long-term savings and benefits. Also, meaningful prescription drug patent law reforms need to be made to ensure that generic drugs can be brought to market in a timely manner.

We are also obligated to help provide support to health care providers that provide uncompensated care for the uninsured. In Hawaii, it is estimated that hospitals lost \$95 million for uncompensated care in 2002. However, while other states benefit from Medicaid disproportionate share hospital, DSH, payments designed to provide additional support to hospitals that treat large numbers of Medicaid and uninsured patients, Hawaii is left out of this important program.

The Balanced Budget Act of 1997, BBA, created specific DSH allotments for each state based on each of their actual DSH expenditures for fiscal year 1995. In 1994, the State of Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the DSH program, which included the es-

tablishment of a floor for DSH allotments. However, States without allotments were again left out. Other States that have obtained waivers similar to Hawaii's have retained their DSH allotments. Only two States, Hawaii and Tennessee, do not have DSH allotments. I was disappointed that language similar to an amendment that I had offered, which was accepted as part of the manager's package for the Senate's prescription drug bill was not included in the conference report for H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003. The language that was finally included prevents Hawaii from obtaining its DSH allotment as long as the QUEST program remains in place.

Medicaid DSH funding is needed because our hospitals in Hawaii are struggling to meet the elevated demands placed upon them by the increasing number of uninsured people. DSH payments will help Hawaii hospitals meet the rising health care needs of our communities and reinforce our health care safety net. All 50 States need to have access to Medicaid DSH support.

While Hawaii continues to be denied this assistance, many States fail to fully utilize their DSH allotments. For fiscal year 1999, more than \$1.2 billion was returned to the Treasury because States failed to draw down their full Medicaid DSH allotments. More than \$800 million was returned to the Treasury for fiscal year 2000. It is unfair that while certain States are declining to use their full allocation, States with no or small allotments are being denied the use of these resources. A viable option to provide relief for Hawaii and other low-DSH States is to redistribute funding that other States have returned to the Treasury. It is not fair that States that either lack any DSH funding or have low-DSH allotments cannot have an opportunity to apply for these excess funds to help bolster their public health safety net.

I appreciate all of the work done by my colleague from New Mexico, Senator BINGAMAN, to help provide relief to low-DSH States. I look forward to continuing to work with my colleagues to help restore Medicaid DSH payments to Hawaii. Also, we must continue our efforts to improve access to health care so that everyone can obtain affordable, comprehensive, and quality health care coverage.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, this week our country observes National Police Week, a time to honor the men

and women who put their lives on the line every day to bring peace—and peace of mind—to America's cities, towns, and neighborhoods.

Tomorrow, Police Week culminates in Peace Officers Memorial Day, when we pay special honor to those officers who gave their lives in the line of duty.

This memorial has a long history. In 1789, a U.S. Marshal named Robert Forsyth was shot and killed in the line of duty.

Since then, over 14,000 law enforcement officers have given their lives to protect the liberties upon which America was founded.

Police officers have always served as the first line of protection for our communities. But 3 years ago, on September 11, our Nation gained a new appreciation both for the dangers they face and for the courage they routinely exhibit.

We owe our police officers a debt of gratitude that is immeasurable and unending.

Every year we honor those that lost their lives in the line of duty and carve their names into the Police Memorial so that future generations will know who they are, and that they lived, and died, as heroes.

This year, one of South Dakota's heroes will be honored and remembered.

Deputy Bill Davis joined the Moody County Sheriff's Office in 1982, where he served as deputy sheriff for 21 years.

Like so many of our officers, Deputy Davis's service to his community was bigger than his badge.

Bill Davis was a veteran of the U.S. Navy and the National Guard.

He embodied the values of community service and civic duty throughout his life. Last November, while investigating a car accident, Deputy Davis was struck by a car and killed.

As we commemorate the heroism of Deputy Bill Davis, and all those who lost their lives in the line of duty, we cannot help but acknowledge the risks undertaken each and every day by America's police officers.

Our police officers do not ask for reward or recognition, merely the tools they need to do their job. And in return for all they have given us, we have an obligation to ensure they have every available resource necessary to keep our neighborhoods safe.

Over the past year, I have spent a lot of time meeting with South Dakota's police officers, asking about the specific challenges they face, and what we can do here in the Senate to support them.

The most pressing issue for our Nation's law enforcement is the added responsibility and burden of being first responders in the event of terrorist attack. The complexity of this new role requires training and tools that no small local police department could be expected to have on its own.

That is why I am pleased that South Dakota recently received \$15 million in grants from the Department of Homeland Security to pay for new

counterterrorism training and technologies.

In addition, dozens of our local police and sheriffs' departments received Federal grants last year for first responder training and equipment, such as bullet-proof vests.

I was pleased that because of the great work being done in my State, we were able to ensure that the South Dakota Police Chiefs and Sheriffs Associations received \$1.5 million in Federal funding in 2003, and an additional \$250,000 in 2004.

Rural communities, such as those in South Dakota, have a number of unique law enforcement challenges, as well.

People in rural areas face the same problems of gangs and drugs as their urban counterparts, but with fewer officers and across broader geographic areas. Methamphetamine production and use, for example, is a growing concern for South Dakota's communities and families. Because the ingredients and the equipment used to produce methamphetamines are so inexpensive and readily available, the drug can be produced in homes.

Over the past several years, methamphetamine labs have proliferated throughout South Dakota, and law enforcement has struggled to keep up with its troubling growth.

To help law enforcement combat the spread of methamphetamine and other challenges, I have introduced the Rural Safety Act, which would authorize grants to establish methamphetamine prevention and treatment pilot programs in rural areas, and provide additional financial support to local law enforcement.

In addition, I have recently joined with Senator JOHNSON in cosponsoring the Federal Emergency Meth Lab Cleanup Funding Act of 2004, which helps our local law enforcement and communities with the contamination left behind by meth labs.

For all the work we are doing to support our police, this weeks reminds us that we are asking them to do more with less.

Unfortunately, under the administration's Fiscal Year 2004 budget, funding for several important programs related to State and local law enforcement are drastically reduced. Of particular concern is the administration's cut to the COPS program.

Since 1994, South Dakota has received \$43.7 million from the COPS program for much-needed training, equipment, and new police officers, including officers for the Spearfish, Custer, Huron, and Tripp police and sheriff departments.

In the finest tradition of community policing, these officers are out in our neighborhoods, working with schools, churches, and businesses to find new ways to make our streets safer.

Over the past 10 years, COPS is responsible for putting more than 100,000 new police officers on the streets throughout our country and was piv-

otal in the historic reductions in crime we saw during the 1990s.

But despite its ongoing success, the COPS budget has been targeted for cuts by this administration every year—in fact, last year the administration proposed eliminating COPS altogether.

For FY 2005, the administration has proposed a staggering 86 percent cut for the COPS program—from \$703 million to only \$44 million.

More than ever, we depend upon our police officers' ability to protect our communities from combating terrorism, to protecting our citizens from the dangers of drug abuse, to helping young people stay clear of trouble.

State, local, and tribal law enforcement officers are contributing on a daily basis to the effort to make our Nation safer and more secure. We have a responsibility to provide them the support they need.

This week, we honor officers, such as Deputy Bill Davis who have made the ultimate sacrifice for our communities and for our safety.

The debt we owe them can never be repaid.

But this week, and every week, we have an obligation to commit ourselves to ensuring that the priorities of America's police men and women are at the very top of our agenda.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for as much time as I may consume.

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

SAME-SEX MARRIAGE

Mr. CORNYN. Mr. President, on May 17th, this Monday, the State of Massachusetts will begin to issue marriage licenses to same-gender couples so they may marry. This rather surprising development, particularly for those who have not been following the events in Massachusetts over the last few months, is not the result of the vote of the people of Massachusetts. Once a court decision—which I will speak more about in a moment—was handed down, which compelled State officials and local officials to issue these licenses to same-gender couples, there was an attempt made to amend the Massachusetts Constitution. The first step in a three-step process has been accomplished and if that constitutional amendment is ultimately passed in 2006, it will ban same-sex couples from marrying.

But because of the structure of the constitutional amendment process in

Massachusetts, the court order takes effect Monday, May 17th. Essentially the people of Massachusetts are left out of governing themselves. They have been subjected to a court edict and their views considered irrelevant.

When we held the first of three Judiciary subcommittee hearings on this issue last September, that was before the Massachusetts Supreme Court had made this ruling. It was a 4-3 decision, holding that the Massachusetts Constitution barred any restriction on marriage license issuance to exclusively one man and one woman.

The issue that we raised last September was, Is the Federal Defense of Marriage Act in jeopardy? We had witnesses on both sides, some of whom concluded yes, it was, and some who concluded no, it probably was not. I suggest the passage of time has proved the accuracy of the prediction of those who said yes, it is in jeopardy—that their views seem to be correct, while those who say no, it is not, appear to be wrong.

Because the Massachusetts Supreme Court is the only state supreme court in the Nation that has ruled marriage licenses must be issued to same-sex couples, there are many people, many well-intentioned people who say this is a local issue, and others—perhaps not being as informed as they might be about constitutional law—say this is surely only going to be confined to one State. They say that this is an issue that ought to be handled on a State-by-State basis and requires no action by the Federal Government or by our elected officials in Congress.

I submit the evidence is becoming increasingly clear this is not a local phenomenon, nor is this a matter that can be addressed on a State-by-State basis. This is a national issue that requires a national response.

As we all recall, shortly after the decision in Massachusetts, the mayor and other officials in the city of San Francisco began issuing marriage licenses to same-sex couples in that city—not just people who lived in that city but people who traveled to that State from other States. The New York Times has reported in at least 46 cases out of those several thousand illegal marriages, that took place in defiance of California State law—there is the potential now for lawsuits in 46 states filed by those individuals who were married in San Francisco who then moved back to their State of residence. In all but four states, the seeds are there for lawsuits to be filed by couples demanding that the court compel their State to recognize the validity of same-sex marriage.

In addition, there are lawsuits that are pending now in Nebraska, in Utah, and most recently in Florida, asking the court to hold as a matter of Federal constitutional law that restrictions on marriage only as between a man and a woman violate the Federal Constitution.

It is important to look back at what the first signal was that traditional