

## ORDER OF BUSINESS

Mr. REID. Mr. President, because there is other business we are considering because of the October 1 date hitting us, we will likely attempt to go into morning business from 2:15 until we finish the event with Senator BYRD this afternoon. But we will come back at 2:15 and deal with that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## ORDER FOR RECESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess today from 3:30 to 5 p.m.

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

## RECESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. today.

There being no objection, the Senate, at 12:22 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The majority leader is recognized.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, morning business is now closed.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## MOTION TO COMMIT

AMENDMENT NO. 3038

Mr. REID. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to commit H.R. 1585 to the Committee on Armed Services with instructions to report back forthwith, with the following amendment numbered 3038:

The provisions of this Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3039

Mr. REID. Mr. President, I send an amendment to the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3039 to the motion to commit.

The amendment is as follows:

Strike "3" and insert "2".

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3040 TO AMENDMENT NO. 3039

Mr. REID. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3040 to amendment No. 3039.

The amendment is as follows:

Strike "2" and insert "1".

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that no further cloture motions in relation to this bill be in order for the remainder of the day.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we understand there may be the proverbial side-by-side in relation to the hate crimes matter. This means the Republicans may file their own version of hate crimes, so we will work that out. This does not apply to that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Mr. President, I am going to ask unanimous consent that the

Senate go into morning business. The managers of the bill may come and see if they can process some amendments, but we are not going to do that right now.

I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand we are in a period for morning business.

The PRESIDING OFFICER. The Senator is correct, a 10-minute period during which to speak.

## CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. KENNEDY. Mr. President, sometimes the American people demand that Congress and the administration enact initiatives to address fundamental national needs. During the Depression, we enacted Social Security to see that seniors lived their later years with dignity. In the 1940s, we opened the doors to education for returning veterans through the GI bill. In the 1960s, we took action to see that seniors had quality health care, and the result was Medicare. In the 1990s, Democrats and Republicans, Congress and the administration, States and the Federal Government all worked together to help alleviate the crisis in children's health by enacting CHIP.

The success of each of these programs has echoed through the decades in the lives of millions of Americans. Today, we stand at a crossroads, faced with a choice with a path that will continue and strengthen the promise of good health and a strong start in life that CHIP brings to millions of children or whether we will turn away from that promise and curtail the help and the hope CHIP brings.

Many of the best ideas in public policy are the simplest. The Children's Health Insurance Program is based on one simple and powerful idea: that all children—all children—deserve a healthy start in life and that no parents should have to worry about whether they can afford to take their children to the doctor when they are sick.

CHIP can make the difference between a child starting life burdened with disease or a child who is healthy and ready to learn and grow. That is why CHIP has always enjoyed bipartisan support. This support goes back

to 1996 when Massachusetts enacted a State program that became one of the models of CHIP. The Massachusetts Legislature passed a bill to expand coverage for children and paid for it by increasing the tobacco tax in the State. When that program was vetoed by Governor Bill Weld, a majority of the Republicans in the State senate stood with the Democrats to override the veto.

I was proud to work closely with Senator HATCH to create the national Children's Health Insurance Program, and when CHIP went into effect across the country, among its greatest champions were Republican Governors who understood the importance of expanding health insurance for children in their States. Governor Leavitt in Utah and Governor Cellucci in Massachusetts were both champions of CHIP when they were Governors.

The question for President Bush today is why he would even consider rejecting a program that has long brought Republicans and Democrats together to help children.

CHIP allows parents to choose insurance for their son or daughter from a private insurance company. That is one of the reasons Republicans have long supported the CHIP program. Indeed, CHIP used the same private insurance model President Bush supported in creating the Medicare prescription drug benefit.

If Members of Congress and the administration really feel strongly that it is wrong for the Federal Government to support health care coverage, maybe they should start by giving up their own taxpayer-subsidized health care through the Federal employees program. If Members can take their children to the Attending Physician of the Senate, with all the benefits that affords, shouldn't all American children have access to quality health care too?

President Bush has argued that CHIP costs too much, but I will tell you what costs more: treating children in emergency rooms after their conditions have become severe. CHIP saves money and untold suffering by getting health care to our Nation's children before they are seriously ill.

CHIP is paid for by an increased tax on cigarettes, not by raiding the Treasury. That tax will itself save us countless dollars and lives by discouraging smoking. We have had extensive hearings in our human resources committee, the HELP Committee, about what happens when the cost of cigarettes escalates, and when the cost of cigarettes escalates, as included in this CHIP program, it has a dramatic impact on lessening the demand among teenagers and smoking. What has happened for years is that the industry itself has increased its advertising in order to try to hook these children back in. But this has a dramatic positive impact from a preventive point of view in helping children not become addicted to nicotine and cigarette smoking, so it is a win-win situation.

It is using the private insurance companies' own model that was initially suggested by the President of the United States in the Medicare prescription drug program, and it is being paid not by the taxpayers but by the cigarette users. That will discourage smoking and will have a positive impact on children.

The case for CHIP is stronger than ever. Today, 6 million children are enrolled in the program, children who otherwise would be without health care. But there are another 9 million children in America who still have no health insurance at all. Once again, Democrats and Republicans in Congress have come together for the common good.

CHIP's success is impressive. Since CHIP began, the percentage of uninsured children has gone down even as more and more adults are losing their own insurance coverage because employers reduce it or drop it entirely. This chart reflects where it is in terms of the adults and the uninsured, now 47 million Americans who are uninsured. Look at what has happened to children. It has gradually been going down. There is no reason not to expect, with this legislation, that it will again go down somewhat. If we had accepted the more extensive House bill, it would have gone down even further. But this is a very significant achievement in reducing the number of children who do not have health care coverage.

In the past decade, the percentage of uninsured children has dropped from 23 percent in 1997 to 14 percent in 2005. That reduction is significant, but it is obviously far from enough. This chart indicates the same. If you look at 1997, 22 percent of all children were uninsured. Now we are down to 13 percent and going down further. This is for children. Yet this President wants to veto this legislation.

Recently, the Census Bureau reported in the past year that 600,000 more children have become uninsured. The struggling economy is causing employers to drop family coverage, and even the robust and successful CHIP program hasn't been able to stave off decreasing coverage for children.

CHIP helps to improve children's school performance. When children are receiving the health care they need, they do better academically, emotionally, physically, and socially. Look at this chart. We have demonstrated that when children are healthier, it increases their ability to learn their lessons. Learning in school is increased significantly. Look at the before and after in this chart. Before, 34 percent paid attention in class; after, 57 percent. Keeping up with school activities: before, 36 percent; after, 61 percent. It is very simple: If a child can't see the blackboard, can't hear the teacher, can't understand what is happening in the classroom, they will lose attention and lose their ability to learn. If they have been able to have the kind of preventive health care included in the

CHIP program, they are going to be healthier, more interested in learning, and their learning will be enhanced.

We just passed education legislation where we went over the disparities that are out there. I will come to that in the next chart, but this is a very clear indication. If you are interested in children learning, CHIP is a program you have to support.

Also, CHIP all but eliminates the distressing racial and ethnic health disparities for minority children who are disproportionately dependent upon it for their coverage. Look at this: White, Black, and Hispanic. This is before CHIP. Look at the numbers—27, 38, and 29. With CHIP, it is 20, 19, and 19. When we have outreach, we see a reduction in the disparities. We ought to have this as a goal, our national goal. We want all children to have health care coverage. This chart, which is from the Kaiser Family Foundation, indicates that we reduce the disparity for children with this CHIP program, which is enormously important. They are going to learn more and be healthier.

When we put all of that together over a long period of time, it will save the country money because this is going to be a healthier population. It will cost less over a longer period of time. And we are paying for it by an increase in the cigarette tax, not by the taxpayer. So this is enormously important. That is why organizations representing children and health care professionals who serve them agree that preserving and strengthening CHIP is essential to children's health.

The Bible tells us to "open your hand wide to the poor and the needy in your land." Congregations across the country act on that command every day by providing needed help to those with medical needs in their communities. They are turning faith into works, but they know they can't do the job alone. That is why religious leaders from all faiths have called upon Congress and the administration to assist in this mission by renewing and improving CHIP.

Today, we renew our bipartisan commitment to the job begun by Congress 10 years ago and to make sure the lifeline of CHIP is strengthened and extended to many more children. Only the Bush administration seems content with the inadequate status quo.

First, the President proposed a plan for CHIP that doesn't provide what is needed to cover the children who are eligible but unenrolled. In fact, the President's proposal is \$8 billion less than what is needed simply to keep the children now enrolled in CHIP from losing their current coverage—\$8 billion short. Then, as Congress was negotiating the CHIP bill, the administration issued new guidance that would make it virtually impossible for States to extend coverage for children in their States with household incomes above 250 percent of the Federal poverty level. This would cause 18 States and the District of Columbia to drop children from coverage. It doesn't indicate

that if the States permit those—that 250 percent of the poverty level—to be able to participate in the program, they can adjust premiums, the copays, and the deductibles in order to make it fair. Just a blanket “no.” Just a blanket “no.” What is most baffling is that the President has consistently threatened this veto.

This chart shows what the costs are. This is really an issue of priorities. A 5-year CHIP reauthorization, \$35 billion; 1 year of Bush’s tax cut for the wealthiest 1 percent, \$72 billion; and this is 1 year in Iraq, \$120 billion. So \$35 billion for 5 years for children; 1 year in Iraq, \$120 billion.

Here is another way of putting it. Around here, we express our views on priorities, and these are the priorities we have a chance to effect. A matter of priorities: the cost of Iraq, \$333 million a day; the cost of CHIP, \$19 million—\$19 million to \$333 million. We believe this is a bargain and something which is absolutely essential if we are going to look down the road at a younger generation that is going to be healthy and prosperous and learning. That is going to be key to the United States in terms of our ability to compete world-wide in this knowledge economy. We have to have young people who are gifted, talented, smart, and able, with a knowledge of the economy. It is essential if we are to preserve our national security and it is essential if we are going to preserve the institutions our Founding Fathers bequeathed to us, that our young people are able to function and work in order to guarantee the real rights and liberties which we cherish. All of this starts with having healthy children—healthy children built on the program which the President himself endorsed.

I was there at the time the President strongly supported the way we were going to have the Medicare prescription drug program, and he fought for that. He was able to successfully gain it. Now he says it is unacceptable. Now he says it is unacceptable. He complains about the cost. But this doesn’t cost the taxpayer a nickel; it will cost in terms of an increase in the cost of cigarettes.

Finally, these children will be healthier, and therefore the savings over the period of years is going to be important and significant.

The children of America should not become the latest casualties of this administration. The CHIP bill before us is a genuine bipartisan agreement that will help children in communities across the Nation and provide coverage to about 4 million children who would otherwise be uninsured. The bill moves us forward together, Republicans and Democrats alike.

The support this legislation has from Republican Governors as well as Republican members here—particularly my colleague and friend, Senator HATCH from Utah, Senator GRASSLEY, and others—is commendable. They understand exactly the reasons and the

justification for this legislation. Quality health care for children isn’t just an interesting option or a nice idea. It is not just something we wish we could do. It is an obligation. It is something we have to do, and it is something we can do today. So I will urge my colleagues to vote for this bill.

This legislation will be before the House of Representatives this afternoon. Hopefully, we will have a strong vote over there and we will get that legislation at the earliest possible time.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### THE MATTHEW SHEPARD ACT

Mr. KENNEDY. Madam President, I would like to speak for a moment regarding the Hate Crimes Amendment. At a time when our ideals are under attack by terrorists in other lands, it is more important than ever to demonstrate that we practice what we preach, and that we are doing all we can to root out the bigotry and prejudice in our own country that leads to violence here at home. Now more than ever, we need to act against hate crimes and send a strong message here at home and around the world that we will not tolerate crimes fueled by hate.

Since the September 11 attacks, we have seen a shameful increase in the number of hate crimes committed against Muslims, Sikhs, and Americans of Middle Eastern descent. Congress has done much to respond to the vicious attacks of September 11. We are doing all that we can to strengthen our defenses against hate that comes from abroad. We have spent billions of dollars in the war on terrorism to ensure that international terrorist organizations such as al-Qaida are not able to carry out attacks within the United States. There is no reason why Congress should not act to strengthen our defenses against hate that occurs here at home.

In Iraq and Afghanistan, our soldiers are fighting for freedom and liberty—they are on the front line fighting against evil and hate. We owe it to our troops to uphold those same principles here at home.

Hate crimes are a form of domestic terrorism. They send the poisonous message that some Americans deserve to be victimized solely because of who they are. Like other acts of terrorism, hate crimes have an impact far greater than the impact on the individual victims. They are crimes against entire communities, against the whole nation, and against the fundamental

ideals on which America was founded. They are a violation of all our country stands for.

We are united in our effort to root out the cells of hatred around the world. We should not turn a blind eye to acts of hatred and terrorism here at home. We should not shrink now from our role as the beacon of liberty to the rest of the world. The national interest in condemning bias-motivated violence in the United States is strong, and so is our interest in condemning bias-motivated violence occurring world-wide. When the Senate approves this amendment, we will send a message about freedom and equality that will resonate around the world.

Hate crimes violate everything our country stands for. These are crimes committed against entire communities, against the Nation as a whole and the very ideals on which our country was founded.

The time has come to stand up for the victims of these senseless acts of violence—victims like Matthew Shepard, for whom this bill is named, and who died a horrible death in 1998 at the hands of two men who singled him out because of his sexual orientation. Nine years after Matthew’s death—9 years—we still haven’t gotten it done. How long are we going to wait?

Senator SMITH and I urge your support of this bipartisan bill. The House has come through on their side and passed the bill. Now it is time for the Senate to do the same. This year, we can get it done. We came close twice before. In 2000 and 2002, a majority of Senators voted to pass this legislation. In 2004, we had 65 votes for the bill and it was adopted as part of the Defense authorization bill. But—that time—it was stripped out in conference.

The President has threatened to veto this legislation, but we can’t let that threat stop us from doing the right thing. Let’s display the same kind of courage that came from David Ritcheson, a victim of a brutal hate crime that scarred him both physically and emotionally. This spring, David testified before the House Judiciary Committee. He courageously described the horrific attack against him the year before—after what had been an enjoyable evening with other high school students near his home in Spring, TX.

Later in the evening however, two persons attacked him and one attempted to carve a swastika into his chest. He was viciously beaten and burned with cigarettes, while his attackers screamed terrible epithets at him. He lay unconscious on the ground for 9 hours and remained in a coma for several weeks. After a very difficult recovery, David became a courageous and determined advocate. Tragically, though, this life-changing experience exacted its toll on David and recently he took his own life. He had tried so hard to look forward, but he was still haunted by this brutal experience.

My deepest sympathy and condolences go out to David’s family and