

CHIP

Mr. REED. Mr. President, I rise at this moment to speak in strong support for the renewal of the Children's Health Insurance Program. It is an issue that is fast upon us. The House of Representatives passed this legislation last evening. We will, I hope, do the same, and will send it to the President.

This is an issue that is not just an economic issue; it is also a moral imperative. If we cannot ensure the children of this country have the opportunity to have access to good health care, then we cannot ensure that we keep pace with the basic notion of this country: opportunity for all of our citizens.

Health care and education together are the engine that moves this country forward. They give children a chance to use their talents, develop their talents, and go on and contribute to this great country. But also it makes tremendous economic sense. As we invest in children's health care, we hopefully will ensure that throughout their lifetime they will not only have healthy lifestyles, but they will have the advantage of a good start, so that their efforts can be directed toward contributing toward their community, and contributing to this economy.

We understand that the costs of health care are skyrocketing, and that for many families they have, unfortunately, had to make the choice of forgoing it, to leave their children vulnerable, without access to good primary care, without access to specialized care when they need it.

We also understand that these children, when they get sick, ultimately find their way to an emergency room and we end up paying much more, because a child who can be seen on a regular basis could have access to preventive care. Arriving at the emergency room with a very serious condition requires a great deal more resources than seeing a child before that condition becomes serious, and becomes an emergency.

So we should be, I think, smart, as well as morally responsive to the issue before us. And that directs me to my strong support for this legislation. The final bill which will be coming before us will invest \$35 billion in our Nation's children and their future. It preserves coverage for 6.6 million children, but it will also reduce the number of uninsured children by 4 million.

In fact, the final bill improves upon the Senate bill that I proudly supported weeks ago. It provides quality dental coverage to all children enrolled. That is critical. I can recall listening to a foster mother in Rhode Island. She had six different foster children. What was her biggest complaint? She could not get a dentist. They would not see her because she did not have dental coverage. Her complaint to me was a repetition of what her child said to her in so many words, which was: What do I do? How do I take care of a toothache? How do I go to school

when I cannot bear to concentrate because of the pain?

For most of us here in this room, that would be a simple call to the dentist, a trip there, and immediate relief, and for our children also. But for millions of Americans, that is not the case. Here we have a chance to give them what we too often take for granted.

I think it is going to be an important step forward. I am particularly proud, because the architect of this program 10 years ago was Senator John H. Chafee of Rhode Island. He stood on a bipartisan basis with many in this Chamber and pushed for the adoption of the children's health care bill. It stands as a legacy to him. It is a vibrant legacy which we in Rhode Island cherish and we hope we can extend through this legislation.

The final bill that will result we hope in passage and signature by the President will give Rhode Island an increase in Federal funding from \$18 million to \$93 million. It will prevent future shortfalls. Last November on the floor of the Senate before we went out, I insisted that we could not leave until we provided help to States that had already run out of their SCHIP funding. We were able to do that.

But those stopgap measures at the eleventh hour do not provide for the kind of planning and predictability that are essential to keep the costs down and keep the program going. I do think, again, this is a bill that is worth all of our efforts and all of our support.

If we can afford to spend \$12 billion a month in Iraq, we must be able to afford to spend a fraction of that to give children health care in this country. I just left the Appropriations Committee hearing. Secretary Gates is urging \$50 billion more funding for Iraq. That is quite a bit more than we are asking over 5 years for the children's health care program. That is just for several months in Iraq.

The American people, I believe, will demand that we pass this legislation. If we can find the resources overseas, we have got to be able to find the resources here for this compelling issue.

The other aspect of this is this legislation is fully paid for, unlike the spending in Iraq which is deficit spending, which we are literally sending forward to the next generation of Americans to deal with. This is fully paid for by an increase in the cigarette tax; sound fiscal policy as well as sound public policy.

Now, we have heard a lot from the President, particularly about why he is proposing to veto this legislation. I find it hard to discover any logic at all. It is full of misrepresentations, frankly. The bill does not cover children up to 400 percent of poverty. In fact, about 80 percent of the newly insured children are from families below 200 percent of poverty. Those are the new children to be enrolled.

This bill is well targeted, and provides incentives to ensure that the low-

est-income children are insured first. This does not federalize health care or socialize it. In fact, in Rhode Island this children's health care program is run by private health insurance companies, and that is a very effective and efficient approach.

What I have noticed over the last few years is not that private health insurance has expanded dramatically in this country and this legislation would constrain that. Quite the opposite. With private health insurance, the number of insured Americans has decreased. They are losing their private insurance. It is too expensive. So the idea that this somehow is going to throttle the attempts of the private insurance industry to insure those children is, on its face, preposterous.

Those children will not be insured because their parents cannot afford to pay the coverage, and because private insurance companies operate at a profit, they do not extend coverage because they feel like it.

This is the way to expand coverage. This is the way to protect children. This is the way to invest in our future. This is the way to do it in a fiscally responsible manner by increasing the cigarette tax. It makes sense on every ground.

The President's suggestion that he is vetoing it has to be something other than common sense. In fact, it strikes me as slightly spiteful. This is something on a bipartisan basis we have done for 10 years; something on a bipartisan basis that we will continue to do. And to be frustrated by a Presidential veto, I think, would add insult to the injury of not having children insured in this country.

I call on the President to reconsider his veto threat. I call on the President to join us in providing health insurance to the children of America, to provide them a foundation for their education, provide them the foundation to proceed forward as good citizens, good workers in the economy, and contributing members. I hope that will happen in the next few days with passage and signature by the President.

I yield the floor.

Mrs. MCCASKILL. 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. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I rise today to speak briefly in connection with amendments we made to the National Defense Authorization Act for Fiscal Year 2008. Specifically, I wish to comment on five amendments which have been accepted which are important to the future of our military and also important to the future of military installations we have within the State of Colorado.

At the outset, let me say that as we have moved forward with this legislation, I have very much appreciated the leadership of the chairman of the committee, Senator CARL LEVIN, and all of his staff who have worked so hard with all of us on these amendments and the hundreds of amendments so many Members have filed. I also express my appreciation to Senator MCCAIN and to his staff, Senator WARNER and all of his staff, who have also worked with us on these amendments that are so important for our Nation's defense.

The five amendments I wish to briefly review are related, in part, to Colorado but also in a larger sense related to the question of how we make sure we have the best national defense and homeland security we possibly can.

The first of those amendments is an amendment relating to an effort we have underway with the Secretary of the Air Force to make sure we are protecting our Air Force bases from the kind of encroachment that will impair their military mission, unless we are proactive about making sure the appropriate buffer zones are, in fact, created.

In my State of Colorado, there are three Air Force bases which are very important to our Nation's defense system. They are Peterson and Schriever Air Force Bases in El Paso County, in Colorado Springs, and Buckley Air Force in Aurora, in the Denver metropolitan area. In the case of each one of those installations, which I have frequented often in my time in the Senate, I have seen the development that is occurring from one end of the base to the other and the encroachment that occurs as the urbanization moves out. I have expressed often to local elected officials in that part of the State it is important that what we do is protect those military installations so that 10 years, 25 years, or 50 years from now, we can make sure the military mission we have assigned to those bases is one that will not be compromised. Yet, as urbanization occurs and you see the subdivisions that sprout up around these bases, you have to wonder when that point in time will come where the encroachment itself will start having an impact on the mission of these military installations.

We have noticed in the past—and studies have concluded, including a study from the RAND Corporation—that some branches of our Armed Services do a better job than others in terms of protecting their military installations from encroachment. The REPI program, which is a program that has now been in existence for some time, has been widely used by the U.S. Army. Indeed, in our State of Colorado, with Fort Carson, one of the things that has happened is we have seen much of the buffer-zone area that is needed to be acquired to assure that Fort Carson's military mission is not negatively impacted in the future. It is that same kind of proactiveness that we need to take on with our Air Force Bases.

I recently met with Secretary Wynne to talk about the importance of us doing this not only in Colorado but around the Nation. He is in agreement that we ought to do that. He is in agreement that we ought to take a look at what more we can do to protect our Air Force installations.

In my own view, in terms of what happens in my own State, we are not proactive enough. What happens is that whenever there is a developer who comes in with some kind of a program, the developer will go to the local land-use officials and seek the necessary land-use approvals to move forward, to try to get their development built. What the local government officials will do is they will look at whether the military mission is being impaired as only one factor. But it is being reactive to a force of development that is probably occurring in that entire area.

It would be much better, from my point of view, if what we do with our Air Force installations is to be proactive and look out at what we can do to make sure we are protecting the mission of those Air Force Bases for the long term—for 10 years, for 25 years, for 50 years. It is my hope with this amendment, which has been agreed to, that we will be able to do that.

The second amendment which I want to speak about briefly has to do with the Pinon Canyon Maneuver Site. The Pinon Canyon Maneuver Site is some 237,000 acres of training facility located in the southeastern part of my State of Colorado. It is a very important part of the training capacities we have at Fort Carson. Over the last several years, the U.S. Army has indicated that what it wants to do is significantly expand Fort Carson and the training facility that is located at the Pinon Canyon Maneuver Site.

Because of rumors and the information flow, which is not always accurate, at one point in time the residents of my State in southeastern Colorado had the view that what, essentially, the Army was attempting to do was to condemn what was the entire southeastern part of the State of Colorado. If that, in fact, were to have happened or if that were to happen in the future, the ranching heritage of the southeastern part of my State would be destroyed.

So what has happened over time is we have had a conversation with the Department of Defense and the Secretary of the Army about the future of Pinon Canyon. There are a number of very legitimate questions that have been raised.

One of those questions is whether the 237,000 acres that already encompass the Pinon Canyon Maneuver Site are sufficient to be able to provide the training capacity that is needed at Fort Carson. There is a possibility that the answer to that question will be, yes; that when you combine those 237,000 acres with the nearly 100,000 acres already on the Fort Carson main

campus itself, there are sufficient land needs available for its future. It may be that the answer comes back that some additional land might be needed. But if so, then it is important for the Army to tell us what additional training capacities would be acquired if they acquire this additional land.

There are many questions with respect to the expansion, from my point of view, that have not been answered. I place this in the context of what the BRAC Commission found in January of 2005, where the findings of the Commission were that additional brigades would be moved into Fort Carson which are now underway in terms of being moved into Fort Carson itself; that there was enough training ground at Fort Carson to be able to satisfy the needs of our soldiers at Fort Carson. So if that was, in fact, the conclusion that we reached in January of 2005, it raises the very legitimate question as to why it is that we need to have additional land for training today. So these important questions are set forth in legislation that my friend and colleague, Senator ALLARD from Colorado, and I offered together in an amendment, and it was an amendment that was accepted by the Senate last night. For that I want to say thank you once again to the floor managers of this legislation.

The third amendment I want to speak about briefly this afternoon is an amendment that deals with the paralympic program for wounded warriors. Today, in my State, in part because of the fact that the U.S. Olympic Committee is hosted and housed in Colorado Springs and the fact that we have a major paralympic program that takes place in the State of Colorado, there is a desire to be able to do more. There is a desire to be able to do more in large part because many of the wounded warriors we see coming back from Iraq and from Afghanistan, those 30,000 men and women who have been wounded, sometimes very grievously in this war, ought to be given every opportunity that we can possibly give them so they can live the best life they can, given the injuries they have sustained on behalf of a very grateful nation. So it is in that regard that our paralympic amendment would expand the authorities of the Department of Defense so that they, our wounded warriors, would have a greater opportunity to be involved in some of the paralympic programs that are hosted throughout the Nation. So, again, I thank my colleagues for accepting that amendment.

The fourth amendment I want to briefly address this afternoon is the amendment relating to a hard deadline for the destruction of chemical weapons at the Pueblo Chemical Army depot, as well as at Blue Grass in Kentucky. This legislation is legislation that has been pushed hard on a bipartisan basis. It has been pushed hard by Senator MCCONNELL and Senator BUNNING, Senator ALLARD and myself. It is our hope that with the passage of

this legislation, the Army will, in fact, understand, and that the Department of Defense will, in fact, understand that 2017 sets a hard deadline for us to move forward and complete the destruction of these chemicals which today provide a hazard to the communities and people who live nearby, and provide a national security threat if these chemical weapons were ever to fall into the hands of terrorists and into the hands of those who want to do us wrong in this country. So it is our hope that with this legislation, we will be able to continue to push for a 2017 deadline for the completion of the destruction of these chemical weapons.

Finally, the fifth amendment I want to refer to briefly is an amendment relating to the training of helicopter pilots at high altitudes. Today, in the mountains of Afghanistan, where many of us in our congressional delegation trips into either Iraq or Afghanistan have been in those helicopters, we know the kinds of conditions they have to fly in, at some of those very high altitudes, especially in the country of Afghanistan and those borders between Afghanistan and Pakistan. The only place where our pilots can receive the adequate training to be able to make sure they have the capacity to fly those helicopters at those high altitudes is at a site in Gypsum, CO. But today, whenever a helicopter pilot has to go into that area, into that training facility in order to be trained on how to fly their helicopters, what they have to do is they have to bring their own helicopters to the site.

So what we are asking for here is for six helicopters to be stationed there at the site to be able to provide our pilots with the best kind of high altitude training for helicopter pilots that we can possibly provide as a nation. So I thank my colleagues. I thank Senator LEVIN, Senator MCCAIN, Senator WARNER, Senator REID, and others who have been involved in pushing the Department of Defense authorization bill forward, and I thank them for supporting those amendments.

Madam President, I ask unanimous consent that I be recognized to speak on the Children's Health Insurance Program as in morning business for a period of up to 10 minutes.

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

CHIP

Mr. SALAZAR. Madam President, today I rise first to praise the bipartisan spirit in which the Children's Health Insurance Program came to this floor and was accepted by this Chamber on a positive vote of 68 votes saying yes to providing health insurance to the young children of America. It was one of the finer moments, it seems to me, of the last year in this Chamber, where Democrats and Republicans came together and said: Yes, we can do this for all of the right reasons. It was a circumstance where, with the leadership of Senator BAUCUS and Senator GRASSLEY of the Finance Committee

and Senator HATCH and Senator ROCKEFELLER, IV, who basically were the key movers and shakers in trying to move this package forward, they said: We are going to put aside our partisan differences, and we are going to put together a package that we can make sure receives bipartisan support on the floor of the Senate.

At the end of the day, that package did, in fact pass, and today and over the next several days, hopefully, we will get that legislation to the President's desk for his signature. It is my hope the President does sign this bill. It is my imporation to the President that he sign the bill on behalf of our Nation's children. Covering our kids, providing them with the kind of preventive care, with the kind of doctors and nurses that they need, will ensure that they grow up healthy and that they grow up strong. These have been the goals of our bipartisan work in this Chamber over the last many months.

The Finance Committee passed that plan by a vote of 17 to 4, and we then confirmed the bipartisan nature and the importance of children's health insurance with a 68-to-31 vote. Now, with 9 million kids without health insurance around the country, 180,000 of those kids in Colorado, the President has issued a veto threat of this legislation. In my view, and with all due respect to the President, I believe the President is wrong to issue a veto threat on such a fundamentally important issue.

Earlier this year, as I was traveling through Colorado, I spoke with folks in my State about the need to reauthorize the children's health insurance plan. As I did so, a school nurse told me of a boy who was injured during a football game. His family wanted to have health insurance, but with premiums increasing up to 70 percent since 2000 and amounting to for that family about \$10,000 a year, that family simply could not afford health insurance. They couldn't afford to take their injured son to a doctor. All they could do was to apply ice to their son's leg and pray that somehow it would get better. It did not get better. The boy's leg, which was then fractured, grew progressively worse. It swelled to twice its normal size. In the end, with no choice left, the parents took the child to the emergency room, the most expensive place for any of our children to get care.

Beyond the pain and the anguish that the child or the parents felt that day, the most frustrating part is that with the coverage provided with the legislation that we are about to adopt in this body, the child would have been able to see his doctor within a couple of hours of the injury. He would have received better care at a lower cost and with a lot less pain and a lot less frustration for everybody involved.

We have all heard the stories of how the health care system is failing our children. We hear of the colds that turn into pneumonia. We hear of the earaches that develop into ear infections. We hear of other illnesses that grew

worse because parents could not afford to seek medical care for their children. Nine million kids—nine million kids—in the United States have no health insurance today. It is unconscionable that in the strongest, most prosperous democracy in the world that we cannot give our kids that basic coverage of health that they need to have a fair chance in life. Our failure to extend health insurance coverage to more kids would not only be a moral failure, but it would be a massive liability for the education and well-being of our children and for our future economic security.

This is why. Uninsured children miss more school than their peers. They are six times—six times—more likely to have unmet medical needs. They are 2½ times more likely to have unmet dental needs, and one-third of all uninsured children go without any medical care for an entire year. I am proud of the work of the Senate. I am proud of the bipartisan work that went into writing this legislation to cover the 10 million uninsured children in America. This legislation provides the coverage to an additional 3.3 million children who are currently uninsured, and it also maintains the coverage for all the 6.6 million low-income children currently enrolled in the Children's Health Insurance Program. The bill includes significant incentives for States to enroll more children into CHIP, particularly children in rural communities, many rural communities such as the ones in my State of Colorado, where geographic distances and the lack of health insurance create barriers to enrollment. Twenty percent of all low-income children live in rural areas, and a significant number of them are uninsured. This bill will help them get health insurance.

The CHIP reauthorization also allows a State to cover pregnant women. Children, we know, who are born healthy have a far greater chance of a healthy life. Healthy children save Medicaid and CHIP significant resources in reduced health care costs. It is sensible that they receive this coverage under our program.

Once again I want to thank the model of effectiveness and leadership in this Senate in Chairman BAUCUS and Ranking Member GRASSLEY and Senators ROCKEFELLER and HATCH for their strong leadership on this issue. They united the Finance Committee and much of this Chamber around our common goal. It is a very simple goal. It is a simple goal of helping our kids get to the doctor.

This bill is a giant step forward in our Nation's steady march toward providing every child in America the chance to chase their dreams. I hope President Bush will change his mind and that he will support this bill.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Madam President, it is without question that we are on a wrong course in Iraq. The Bush administration's failure to listen to the American people, failure to plan for the unexpected, and failure to learn from its mistakes has left our Nation less, not more, secure from terror and from the dangers our troops face in Iraq.

The expenditure of hundreds of billions of American tax dollars has not only strained our Treasury, but cost us uncountable opportunities to improve the lives of American families and to strengthen our country's future.

Every month, we are borrowing and spending over \$10 billion to fund the war in Iraq—billions of dollars that we borrow and spend that could help deliver health coverage to children who need it; that could help improve the quality of elementary education and make college more affordable—things that are an essential investment in our Nation's economic strength into the future.

In addition to the billions we are spending to continue our military involvement in Iraq—a policy that must change, and soon—we are also spending billions more on reconstruction efforts. In this area alone, between 2003 and 2006, we have spent more than \$300 billion. The same President who thinks it is too much to spend \$35 billion on American children's health care over the next 5 years had no problem pouring \$300 billion into Iraq reconstruction, and I submit that there is very little to show for it.

We have fought long and hard to keep pressure on President Bush to take a new direction in Iraq. At every turn, he and his allies in Congress have resisted. We will continue our fight, but as we do, we also have an obligation on behalf of the American people to ensure that these tax dollars are being used as they should be.

As fighting the war and rebuilding Iraq have been privatized, too often we have seen evidence of fraud. According to a 2005 report by the Special Inspector General for Iraq Reconstruction, nearly \$9 billion in funding intended for reconstruction efforts went unaccounted for—just gone. Investigations by the Special IG for Iraq Reconstruction of \$32 billion in funding for Iraq reconstruction have already led to \$9.5 million in recovered and seized assets and more than \$3.6 million in restitution.

Iraq is a target-rich environment for corruption, and monitoring the expenditure of U.S. resources there requires vigilance. We must ensure that our tax dollars are not squandered to corruption or other malfeasance, and we must ensure that we have the ability to audit U.S. tax dollars from the time our officials award contracts through

their final expenditure. We must do all we can to prevent "leakage" of this reconstruction aid through every step in the contractor supply chain.

We must give ourselves the chance to consider what effect all this graft and corruption may be having on the motivations of Iraqi leaders. When I visited in Iraq, we heard of just one official from Al Anbar Province—a police official—who had embezzled more than \$50 million. With graft at that scale, one can only imagine how the motivations of Iraqi leaders might be warped.

The measure before us today will help us find out. It will establish a new "Truman Commission" to restore the American people's faith that their tax dollars are being accounted for. The Truman Commission was formed during World War II, when then-Senator Harry S. Truman created a special committee to investigate the National Defense Program to investigate defense-related contracts and expose corruption and mismanagement in the use of war-related funds.

The commission we seek today will have the authority to audit U.S. funds used for U.S. projects or for U.S. efforts to support rehabilitation of Iraqi industries. The establishment of this commission will ensure that this cascade of billions of dollars for reconstruction in Iraq can be tracked, so that the hard-earned money U.S. taxpayers provide will serve the purposes—the legitimate purposes—of the American and the Iraqi people.

I applaud Senator WEBB and our Presiding Officer, Senator McCASKILL, for their leadership in sponsoring this amendment. I am very pleased that my colleagues in the Democratic freshman class, every one of us has thrown our support behind it.

Last November, the American people told us it was time for a change in Iraq, and we are working hard for a new direction. But as we fight to bring our troops home, this amendment will help make certain that our tax dollars are spent as we mean for them to be. It is wise legislation, it is needed legislation, and I urge its support.

Madam 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. 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.

AMENDMENT NO. 3035

Mr. KENNEDY. Madam President, over the course of this morning, this afternoon, and yesterday, we have had some excellent comments in support of our hate crimes amendment which we will be voting on in the morning. Also, we will be voting on the SCHIP program as well. Over the course of the afternoon, a number of people have spoken on these issues. I am enormously grateful to many of my col-

leagues who have taken a great interest in these issues and wanted to be able to speak on them. Many of them have. Others will continue through the afternoon, probably into the evening, to express their support for this legislation.

I wish to take a couple of moments on the issue of hate crimes. We have heard during this discussion that hate crimes are alive and well in the United States, tragically. Over the last few days, we have spoken about many people who have been impacted by hate crimes and described in some detail the horrific circumstances so many of these individuals, fellow citizens, have undergone because of their religious, ethnic, racial, and sexual orientation.

I was moved—and I am sure many were—by the Southern Poverty Law Center and their very important study on estimates of hate crimes. The Southern Poverty Law Center was focused on crimes of race in the South for many years and developed enormous amounts of information about those horrific crimes and was very responsible in bringing people to justice in a number of circumstances. Their focus on these issues of hatred got them to expand their research.

As I mentioned in an earlier presentation, they recorded their best judgment that hate crimes reach 50,000 people per year every year, which is an extraordinary amount.

I wish to respond to a point or two that have been raised in questioning our approach on this issue.

In the hate crimes legislation we have introduced, our bill fully respects the primary role of State and local law enforcement in responding to violent crimes. The vast majority of hate crimes will continue to be prosecuted at the State and local level.

The bill authorizes the Justice Department to assist State and local authorities in hate crimes cases. It authorizes Federal prosecution only when a State does not have jurisdiction or when it asks the Federal Government to take jurisdiction or when it fails to act against hate-motivated violence.

We have responded to these issues and gone into them in very careful detail. There are those who say this legislation is going to make every crime of violence a hate crime. We have heard that statement in opposition. We have heard it for a number of years. We have addressed it, and we have spelled out in the legislation exactly what is the jurisdiction.

The bill protects State interests with a strict certification procedure that requires the Federal Government to consult with local officials before bringing a Federal case. It offers Federal assistance to help State and local law enforcement to investigate and prosecute hate crimes in any of the categories. It offers training grants for local law enforcement. It amends the Federal Hate Crimes Statistics Act to add gender to the existing categories of race, religion, ethnic background, sexual orientation, and disability. So a strong

Federal role in prosecuting hate crimes is essential for practical and symbolic reasons.

In practical terms, the bill will have a real-world impact on actual criminal investigations and prosecutions by State and Federal officials. This legislation can send a strong message to the perpetrators of such crimes and to all others who think we are going to sit back and watch our fellow citizens being attacked so brutally.

What we are basically saying on the issue of hate crimes is we are going to fight it with both hands. Now the Federal Government has one arm tied behind its back, unable to deal with the problems of hate crimes. Now we are saying: Yes, we are going to work with the locals; yes, we are going to work with the State; but, yes, we are going to insist that all of the resources at the Federal level can be utilized when called upon in these horrific crimes of hate.

These are some of the points that have been raised. I wanted to respond to them this afternoon.

CHIP

Mr. President, I see others of my colleagues here. I had planned to speak briefly for a few moments on another issue we are going to vote on tomorrow, the SCHIP program. If any of our colleagues wanted to make a comment on this, I will be glad to welcome it.

Moving to this issue about the vote we will have tomorrow on the Children's Health Insurance Program that was developed to provide health insurance to the children of working families—the very poor are covered by Medicaid, and CHIP is for the working families. It has been a great success. The greatest failure has been we have not provided the kind of assurance we should to all children who are in need of this program.

This is the statement of the President:

America's children must also have a healthy start in life. In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance programs. We will not allow a lack of attention, or information, to stand between these children and the health care they need.

I hope the Senate will heed that comment and that commitment because that effectively is what we will be voting on tomorrow.

It is difficult for many of us to understand, when the President made that comment and that commitment to the American people, that he would urge us to reject the excellent proposal that has been basically accepted by the House and the Senate.

Quickly, this chart is the Center for Medicare Services, known as CMS, report on CHIP, September 19, 2007. Over the past 10 years, CHIP has improved overall access to care, reduced the level of unmet needs, and improved access to dental care, expanded access to preventive care, and reduced emergency department use. This is the Cen-

ter for Medical Services. This is a part of the current administration.

This is the current administration's assessment. We have the President's statement and now their assessment about the success of the program.

We can understand why, when we look at this chart—this is National Health Interview Survey—CHIP has reduced the uninsured rate for children from when we started the program in 1997 to now, with the arrows going down, from 22 percent down to 13 percent. This side of the aisle would like to have it go all the way down. It shows remarkable progress in an area of important national need.

This chart demonstrates the relationship between health and education. Enrollment in CHIP has helped children learn. We passed an important education program earlier this year. We are addressing now the K-through-12 challenge we are facing. Look at the difference in children's performance ratings before and after 1 year's enrollment in CHIP. We have before, and we are talking about paying attention in class, and after we find a dramatic increase in the interest of children, and before and after "keeping up with school activities."

It is very understandable because the children are getting the health care they need, they are getting eyeglasses, they are getting the hearing assistance they need, they are getting the medical attention they need, and the results has been a dramatic increase in the performance of schools.

We have great issues and questions about what works and what doesn't work in education. What we know is, if you have a healthy child, you have a child who is going to do better in education.

We are concerned in the Senate about disparities that exist in our society, the dramatic difference between the haves and the have-nots. We are very much concerned about that disparity, in the fields of education as well as health care, in our committee.

If we look at the disparities, the percentage of children with unmet health needs before CHIP and after CHIP—this is the Kaiser Family Foundation—we see the difference between Blacks, represented by 38 percent, and Hispanics. If we look at it during CHIP, we see overall progress, and we see the disparities reduced. This means we are looking at all children. We are concerned about all children, and the success, according to the Kaiser Family Foundation, has been dramatic.

One of the areas—and this is a typical one—is asthma. It is one that has affected my family, and it is one in which there has been a dramatic increase over the last several years. Unquestionably, it is because of the administration's changes in environmental standards which put more poisons into the air, and I believe it is also because of an increase of poverty in our country. We have more children who are poor, more families who are poor than ever before.

Rather than looking at the escalation of asthma, if we look at unmet health needs of children, we see the dramatic difference in emergency visits of children before CHIP and after CHIP, and this has had a dramatic impact on the wellness of children.

As has been pointed out by many of my colleagues—and I do not intend to take a great deal more time—this is an issue of priorities. We know the program works. We know it is built on a delivery system which has been basically supported by the President. The Medicare prescription drug program—I didn't agree with that delivery system, but the President strongly supported it. It is the law. The same delivery system is used in the CHIP program. It is based on the private use of private insurance, and it is paid for by, as we all know, an increase in the tobacco tax, which is going to mean additional benefits in health for children. Here is the cost: \$35 billion over 5 years, \$120 billion for the cost of Iraq. Stated differently, it is \$333 million a day; CHIP is \$19 million.

Finally, this chart here really says it all. A quote from the mother of Alexiana Lewis:

If I miss a single appointment, I know she could lose her eyesight. If I can't buy her medication, I know she could lose her eyesight. If I didn't have MASSHealth, my daughter would be blind.

This is one parent, and it is being replicated by parents all over the country, by 6 million children and their parents. I hope we are going to have a solid vote in support of that program on the morrow.

I yield the floor.

THE PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, there will be no more votes today. We have tried all day to have more votes, but it has been difficult to work that out. We hope in the morning, at about 10:30, we can have as many as five votes—three to five votes. We are going to finish our work on hate crimes and SCHIP. That will require three to five votes. We hope we can get that done with a unanimous consent request; otherwise, we will work our way through it and the procedure will take care of most of it. I think there is a general feeling that this should be done. As indicated, I thought we were going to be able to have the votes today, but for various reasons we were unable to do that. It has made it difficult for the two managers of the bill, but, in fact, we have been able to work out some amendments that have been offered. I just wish we could have done more.

I respect so much the work of our manager on this side and Senator WARNER on the other side. They are certainly experienced at this, and we are confident we will be able to draw to a close, hopefully in the not too distant future, the Defense authorization bill and, shortly thereafter, move to the Defense appropriations bill.

THE PRESIDING OFFICER (Mr. PRYOR). The Senator from Michigan.

Mr. LEVIN. If the Senator from Illinois would yield for just a moment, I would only urge our colleagues—and I know Senator WARNER joins me in this—we have over 300 amendments that have been filed. We are clearing some. We have cleared 10 more.

Mr. WARNER. We are up to 150 cleared.

Mr. LEVIN. We have about 300 still that need to be addressed one way or the other. Either they are going to be resolved, voted on, or dropped. We need the full cooperation of every Senator to address this very large number of amendments. We have made some progress in clearing amendments. We had two votes today on important amendments. We look forward to those three to five votes in the morning. But we still need the full cooperation of every Senator, and I would urge them to work with our staffs to see if we can clear as many additional amendments as possible.

Mr. REID. Mr. President, I say to my friend, if we spent 3 more days on this bill, that means we would have to dispose of 100 amendments a day. If we spent 4 days on it, we would have to dispose of 75 amendments a day. So these managers have done excellent work, and we know we can't get through all these amendments, but there are a lot we need to get through. It is important, and we will cooperate on this side in every way we can, and I am confident the minority will also.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I was not on the floor earlier, but I suspect the leader was discussing this bill as well as how we finish the week.

Mr. REID. Yes. Basically, I said there would be no more votes today; that somewhere in the morning, around 10:30, we will have three to five votes, three or four on hate crimes—hopefully, only two—and one on SCHIP. When we finish that, we will find out where we are in relation to this bill.

Mr. McCONNELL. Mr. President, I concur completely with what the majority leader has indicated. We have been working together to try to figure out how we can wrap up the week. We have a number of other items, as he suggests, including the CR, and we are hoping to be able to get all this processed at some point during the day tomorrow.

Mr. REID. Mr. President, we do have a lot to do. There are a number of other issues in addition to the CR that we have to finish before Monday. We have no choice. We have a farm bill we have to extend, and we have a number of things we have to do. We are going to work together to see what we can do in that regard. It has been slow on this bill, but in spite of that, I think we have had one of the best debates we have had on this bill. On the two amendments we have dealt with, the Kyl-Lieberman amendment and the Webb amendment, I think that was very good debate. In addition, we had

extremely good debate on the Biden-Brownback amendment. I always joke about the House saying: We are going to do this much this week. And I say: Well, we will do this much this week and feel good about what we have done. We are getting to a point here where we have the ability to see the light at the end of the tunnel, and we are pushing toward that goal, and that goal is Monday as the drop-dead day on a number of things we have to do.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, if there are no others speaking on this Defense authorization bill, I would like to address my remarks to the Senator from Massachusetts, who is still on the floor and who spoke to us on the SCHIP proposal for the Children's Health Insurance Program, which has been in place for 10 years and works for so many children so effectively.

I might correct the Senator's presentation in one regard. I just left a meeting of the Defense Appropriations Subcommittee. The request of this administration for the next year for the war in Iraq is \$189 billion—\$189 billion. That comes out to about \$15 billion a month that they are asking for this war for the next year. It is my understanding that this bill we are going to present to the President to provide health insurance for somewhere in the range of an additional 5 million kids is going to cost us \$6 billion or \$7 billion a year. So the war in Iraq is costing us \$15 billion a month; this program, which the President says we can't afford, to provide health insurance for our own children, will cost us about \$7 billion a year—a year.

It would seem to me that a strong America begins at home. It begins with our families, our kids, with our neighborhoods and communities, and I think the President has overlooked that. If we are going to be strong for the future, we have to help our kids have the kind of health insurance coverage that gives them a fighting chance. So I thank the Senator.

Mr. KENNEDY. Will the Senator yield for an observation?

Mr. DURBIN. I am happy to yield.

Mr. KENNEDY. The \$35 billion will not be paid for by the taxpayers.

Mr. DURBIN. That is right.

Mr. KENNEDY. Which is really extraordinary. We have done the education program, where we took some \$20 billion from the lenders. This \$35 billion is going to be paid for with the increase in the cigarette tax, which in and of itself will have an extraordinarily positive impact in the quality of health for children in this country and to the whole problem and challenge of childhood addiction to nicotine. So I think it is important.

We hear a great deal about: Well, the figures the Senator mentioned are dramatic in terms of the choice which is before the Members tomorrow in terms of priorities. But you even add to that the fact that the taxpayer is going to

be spared that kind of additional burden, and it is difficult for many of us to understand the strong opposition of the administration.

I thank the Senator.

Mr. DURBIN. I might say to the Senator from Massachusetts that two out of three Americans support an increase in the tobacco tax for this purpose. It is a clearly positive thing for us to do. So unlike the Iraq war, which we are not paying for at all in this instance, we are paying for children's health insurance with a tobacco tax, and I think that is a much more responsible approach.

Mr. President, I have a statement here on the hate crime issue, but I see two other colleagues on the floor, and I don't know what their schedules are.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, before my friend and colleague from Illinois sits down, I have a question. I am going to speak on hate crimes, but that will be after the Senator from Vermont, who is waiting.

I would like to ask the Senator from Illinois a question. We, the Democrats, have a reputation of, well, tax and spend, tax and spend. But just seeing my colleague from Massachusetts here, I realized that in the two major bills we have just done—and my friend from Illinois has mentioned one on higher education and one on children's health—A, we have paid for them. Unlike what has been done on the other side, say, with the prescription drug program, we paid for them. We are being fiscally responsible. And we didn't pay for them by hurting average folks in terms of their taxes. The tobacco tax, which the Senator from Massachusetts just mentioned, and on the college tuition, we are paying for that by making the banks pay a little more. Not a nickel of taxpayer money is coming for that.

So I ask my colleague, how would he compare the record of the new majority on fiscal responsibility compared to the old majority?

Mr. DURBIN. My colleague and friend from New York has served in both the House and Senate, and he knows that often promises are made on important things we do. But we have kept our promise that we would have a pay-as-you-go plan. As we came up with new ideas for legislation, we paid for them—much different from what we saw around here as we were driven deeply into debt under the leadership of the other party.

The war in Iraq is a classic example. This President continues to wage this war and asks for money without any tax or cut in spending. He just adds to the deficit of this country—a deficit which, unfortunately, is out of control and makes us beholden, mortgaged, to some of the largest countries in the world.

So I would say we have kept our promise. It is a pay-as-you-go promise.

AMENDMENT NO. 3035

I would like to make this point on the hate crime amendment, and then I will defer to my colleagues, who may be speaking on the same subject.

Mr. President, the Senate is about to consider a bipartisan amendment to the Defense Department authorization bill dealing with hate crimes which broadens the scope of the Federal hate crime law in significant ways. It is one of the most important pieces of civil rights legislation in our time, and I am proud to cosponsor it.

Some people might ask: Haven't we moved beyond the need for this in this modern age of the 21st century? Do we still really need a hate crime law? Unfortunately, the answer is yes.

As Senator KENNEDY said on the Senate floor:

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 bigotry and prejudice in our own country that leads to violence here at home.

Sadly, there is no shortage of bigotry and violence here at home. In the past week, there has been a national spotlight on Jena, LA, where White high school students put up nooses in a tree to intimidate African-American students—nooses—the ancient symbol of hatred and lynching.

The problems with hate crimes and racial tension are not confined to the South. Take a look at today's Washington Post. An article entitled "Colleges See Flare in Racial Incidents" said that a noose was found a few weeks ago at the University of Maryland outside the campus's African-American cultural center. This past weekend, a swastika was spray-painted onto a car parked on that same campus.

My home State of Illinois is not immune to this same problem. Last month, a judge in Chicago awarded \$1.3 million to two victims of vicious hate crimes that were committed a few months after September 11 in Chicago's West Loop. The victims—Amer Zaveri and Toby Paulose are American-born citizens of Indian descent. The perpetrators yelled, "Are you Taliban?" and "Go back to your country" before punching them, assaulting them, kicking them, and smashing a beer bottle on one of their heads, causing facial fractures and lacerations.

Now, according to statistics compiled by the FBI, nearly 10,000 hate crimes are committed in America each year. Other estimates put the number closer to 50,000. An increasing number are committed against gays and lesbians, representing nearly 15 percent of all hate crimes.

The response from some Republicans, not from all—Senator GORDON SMITH of Oregon is a prominent cosponsor of the Kennedy bill on hate crimes—but from some others, is that we need to study this issue. The studies have been done over and over again. Sad to report,

hate crimes are a reality in America today.

The existing Federal hate crime law was enacted 40 years ago, in 1968. It was passed at the time of Martin Luther King's assassination. It is an important law, but it is outdated. Its coverage is too narrow. Unless the hate crime falls within one of six very narrow areas, prosecutors can't use the law. For example, if it takes place in a public school, the Government can prosecute, but not in a private school.

This hate crime law we are considering would expand the categories of people who would be covered and the incidents covered as well. The current Federal law provides no coverage for hate crimes based on a victim's sexual orientation, gender or disability. Sadly, hate crimes data suggest that hate crimes based on sexual orientation are the third most prevalent, after race and religion. Our laws should not ignore reality.

Some people have suggested that banning hate crimes is a violation of the first amendment and the right to free speech. The Supreme Court has been very clear that is not the case. In 2003, in the case of *Virginia v. Black*, the Supreme Court upheld the validity of laws banning cross burning, one of the ultimate hate crimes. In her opinion, Justice Sandra Day O'Connor wrote:

To this day, regardless of whether the message is a political one or whether the message is also meant to intimidate, the burning of a cross is a symbol of hate.

This week we celebrate the 50th anniversary of the integration of Little Rock Central High School. Arkansas at that time was the crucible, the laboratory for us to test whether America was an accepting, diverse nation. Those nine students and those who stood behind them had the courage to step through those classroom doors and face the intimidation on the way. It is important the Senate have the courage to confront the injustice of our time and pass the bipartisan Kennedy-Smith hate crime amendment.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I have been working with the majority leader in the hopes of helping us complete all these various items he and I would like to complete in short order. To us get to the end of the trail on the underlying bill, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE 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 pending substitute amendment to Calendar No. 189, H.R.

1585, National Defense Authorization Act for fiscal year 2008.

Mitch McConnell, C.S. Bond, David Vitter, Lisa Murkowski, R.F. Bennett, Tom Coburn, Lindsey Graham, Jon Kyl, Wayne Allard, John Thune, Norm Coleman, Richard Burr, Ted Stevens, Jeff Sessions, J.M. Inhofe, Thad Cochran, Michael B. Enzi.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I say to my distinguished counterpart, the senior Senator from Kentucky, we have tried real hard. This is the third time we have taken up this Defense authorization bill. I understand the feelings Senator LEVIN, Senator WARNER, and Senator MCCAIN have regarding this bill. Is this a good time to file cloture? I don't think there is ever a good time. But I think that we have all had a pretty good picture of what is happening on this bill. I would have to acknowledge that at some time, if the distinguished Republican leader had not filed cloture, then we would have filed cloture. Whether it would have been today is something we can talk about later. But I don't feel in any way the Republican leader has surprised me. He has kept me posted about some of his feelings on this.

We have had a number of very complicated issues in this last couple of weeks because of the fiscal year drawing to a close. As a result of that, we have procedural things that seem to always come up with the Senate. But in spite of having said all that, we have been able to accomplish a lot. It would have been much better had we not been interrupted so many different times for various reasons, but that is what happened.

We have spent 15 days on this bill, 15 legislative days on this bill. Other than immigration, I don't think there is anything we have spent this amount of time on during this Congress.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. REID. Mr. President, I ask the Chair lay before the Senate the message from the House to accompany H.R. 976, the children's health insurance bill.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 976) "an Act to amend the Internal Revenue Code of 1968 to provide tax relief for small businesses, and for other purposes," with amendments.

CLOTURE MOTION

Mr. REID. I move to concur with the House amendment, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.