

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the first 30 minutes under the control of the majority and the final 30 minutes under the control of the Republicans.

The Senator from West Virginia.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. ROCKEFELLER. Mr. President, yesterday the President of the United States stood on the steps of the White House and had the audacity to lecture Congress about how to do our work. It is precisely a lack of Presidential leadership, potentially a lack of policy interest, and certainly a lack of understanding of responsible Government that is getting in the way of solving our Nation's problems—the President.

This Congress inherited a growing deficit from Mr. Bush—his created deficit, not his father's; his—and Congress has committed to live by a pay-as-you-go way of spending which makes life very tough. It is the absolute height of hypocrisy to have a President who effectively frittered away, gave away, to his rich friends a \$5.6 trillion surplus and to have him lecturing the Congress about skyrocketing spending.

Did all of that go to his rich friends? No; most of it did. Some of it went to his brilliantly conceived war in Iraq which has made America a much less safe place to live, while the Taliban and others grow stronger in Afghanistan.

America needed, when he took office and especially after 9/11, to make some substantial investments in our defense and intelligence infrastructure, as well as very new and very good homeland security initiatives to respond to the September 11 attacks and ongoing threats. That spending was required for our national security.

Generally speaking around here, we take national security pretty seriously. We do on the Intelligence Committee. But that is not where the bulk of taxpayers' dollars has gone under this administration. Instead, we have given trillions of dollars away in tax cuts to millionaires and billionaires, and we are in year 5 of an astronomically expensive Iraq war with a failed strategy that is, as I said, making America less safe.

I am going to say to the President, this is not a political speech. I do not often come to the floor of the Senate to speak. I prefer to do my work in committees and in conferences. But I am fed up and outraged at what has transpired from the White House.

Meanwhile, on the home front, our domestic priorities, such as children, we have met a concrete wall of resistance. The veto of the Children's Health

Insurance Program rests with him and it rests with him, President Bush, alone.

The Democratic leader was talking about some of the falsehoods the President has used in arguing against—publicly, constantly, all the time—the Children's Health Insurance Program, none of which are true. All of those who not only created the program, as I did along with John Chafee and ORRIN HATCH, but those of us who are working on it now, in an extraordinarily bipartisan way amongst ourselves and with the House, are trying to make it work. But over all that, there is this looming understanding that no matter what we do, the President is going to veto the bill. I will get into that later.

So now the President is threatening to veto and then veto again and then veto again appropriations bills aimed at investing in other pressing domestic needs. While, at the same time he is pushing to make the tax cuts for billionaires and millionaires, that I referred to before, permanent while advocating little to nothing for hard-working, middle-class families.

Congress is keeping its promise to the working-class families in West Virginia and around the Nation. We try to put the best interests of our soldiers, our children, our veterans, and our families first, and we have done so. We are the ones who have done that. If the President thinks that vetoing bill after bill and threatening to do so, setting the tone to do so, somehow achieves his goals, it is going to make him even less relevant to the American people than he is now.

Let me comment a little bit more on his statement regarding CHIP, the Children's Health Insurance Program. It is certainly the best program since Medicaid in terms of health care and one which is working, according to all analysis, efficiently and effectively and humanely.

As we all know, after months of intense negotiations between Republicans and Democrats, Congress presented a bill to the White House that would continue the health care coverage of the 6.6 million children currently covered and add on approximately 4 million more. It would give 10 million-plus children insurance, little children who have no health insurance, and we want to tend to that problem.

It has been an entirely bipartisan process. CHUCK GRASSLEY, the honorable senior Senator from Iowa, MAX BAUCUS, the honorable senior Senator from Montana, JAY ROCKEFELLER, the honorable junior Senator from West Virginia, and ORRIN HATCH, the honorable senior Senator from Utah have worked for months, more importantly have our staffs, on a bipartisan basis, have worked for months, 7 days a week, through the night, to try to make this bill work.

The President wanted to put \$5 billion into it, which would have cut a lot of children out of health insurance. Obviously, the Democrats wanted to put

in \$50 billion into it. The Republicans wanted to put \$22 billion into it. What we did, the four of us Senators who are doing this, met every single afternoon for weeks and for months from 5 to 7 to figure out a way, arguing, walking out sometimes, negotiating, and finally coming to the figure of \$35 billion, and we were all happy. We all shook hands with pride because we knew we were doing something good for America's children. There were no politics there. It was pure negotiations in the interest of the people who don't start wars, who don't get our Nation into trouble, and who don't have any health insurance.

Congress met its responsibility. We did the right thing by our children. The President perhaps didn't understand the policy involved. I don't know. As the leader indicated, he didn't want to talk about it. But he certainly deliberately told a lot of falsehoods about the program, and the leader also discussed that situation, never mentioning that 91 percent of all children retrospectively and prospectively—the 6.6 million plus the 4 million—are at 200 percent of poverty or below—91 percent, 9 out of 10.

I see them with my eyes in West Virginia. I see them as a VISTA volunteer. I see them now as a relatively senior, though still junior, Senator because they are people. When their teeth are not fixed, their lives are changed. When their baby teeth are not fixed, don't worry about the adult teeth to follow; they are already compromised. And immunizations, EPSDT, all kinds of other health care needs.

We did the right thing by our children. The President—and it was the President who decided to veto this bill—it was the President who abdicated his moral responsibility to our children in favor of tobacco and partisan politics, or ideology. It doesn't matter, does it, if he is going to veto the bill. I just came from a meeting a half hour ago where Republicans and Democrats from the House and Senate were trying to work out a compromise, but there was this looming sense that whatever we do was going to get vetoed, so it didn't make any difference.

Ten million children—this isn't some controversial dam or earmark. This is uninsured children. Some of them had been previously uninsured and now are, and 4 million more who are uninsured. They are children. If you don't get a healthy start in life, everything is compromised—your health, your self-esteem, your prospects, your future, your life. It starts with health care.

It is the President who continues to tell these falsehoods about our bill to take attention away from the real issue. This is not about the cost of the bill, this is not about uninsured adults, this is not about illegal immigrants. This is about not wanting to give poor and low-income children and children whose parents cannot afford private insurance access to something monumental called health care.

The President said so himself in a statement which I can barely get out of

my mouth. He said to a Cleveland audience on July 10 of this year:

I mean, people have access to health care in America, after all. You just go to the emergency room.

Mr. President, you cannot understand health care, you cannot understand any of its intricacies, you cannot understand any of its broad oversweeps and ever, not even once in your life, make a statement such as that. The last time as a Senator I was in a waiting room in an emergency room with a child was about 1 or 2 years ago, and we waited 9 hours. So that statement, which is hard for me to say, alone, speaks volumes about his less than compassionate intentions.

Yesterday, the President accused Democrats in Congress of going it alone without seeking input from Republicans. There is absolutely nothing that could be further from the truth. We sought input from him, and we were turned down. We have done nothing but work with Republicans. We were working with Republicans 45 minutes ago in an hour, hour and a half long meeting—I don't know how long. I think we are meeting again this afternoon—from the House. We are trying to resolve this, all at the same time understanding that at the end of the day it is probably all going to get vetoed. But we don't care because we do care about children. It is about children. It is about children and their right to have health care, and we are in a position to do it.

I went to a high building in New York at the invitation of somebody, and I walked in and I was greeted very coldly. I sat down. I was stared at very coldly. I became moderately unhappy. So I decided to start out the conversation, which he had asked for.

I said: How much are you going to make this year?

He said: \$183 million.

But he said: If you people on the Finance Committee would do something about deferred compensation, I could make more.

Now, this put me in a real kind of quandary. I didn't want to be impolite—I did want to be impolite, but I didn't want to show it—and so I said to him: How is it that I describe something called the United States of America? How is it that I deal with income disparity? How is it that I come from your \$183 million, plus whatever it is if we did on the Finance Committee would give you more, to the fact that the average working family who pays taxes and works and has children in West Virginia has an income of \$26,600 a year? How do I get from \$26,000 a year to \$183 million-plus a year and still call this the United States of America, which is trying to resolve income disparity and treat people fairly?

I couldn't do it. The conversation was not pleasant, and I got up and walked out. I am happy to say the gentleman was fired a week later.

So we have tried to get the attention of the White House. We have tried to

engage the White House. We have tried to do it not for the sake of just simply crafting a bill, but because we have a passionate belief that goes back to 1996—a passionate belief that we are speaking on behalf of millions of American families who cannot afford something so basic as health care and that we can fix it for them for \$35 million, and that is over a period of years, but we were rebuffed. We were vetoed, and we have actually been vetoed verbally five or six times since.

CHIP is a bipartisan program. The bill passed by the Congress is a bipartisan bill. It does have strong Republican support. There were a lot of Republicans in the House who voted for their version of the bill despite very obvious arm-twisting by the White House. If there is any hope left of enacting a children's health insurance bill this year, it is because there is still a bipartisan group of Senators and Congressmen who are working to keep it together.

But if the President continues to mischaracterize our bill and engage in disinformation, then I would say to my colleagues: Enough is enough. Enough is enough. Either you are for giving kids a healthy start in life or you are not. It is that simple. Money is not the problem. Paying is the problem. Injustice is the problem. Poverty is the problem. Money is not.

Well, the President has made his choice. For him, children evidently don't really need health care. They can just go to the emergency room. It is really a poignantly horrible statement for him to have made. I don't know if he has ever been to an emergency room. I have. He is entitled to his conscience, of course, and he is entitled to his opinion. He is entitled to protecting tobacco over protecting children. That is his right. He is the President. He has the veto pen, and he can sign or veto. He chooses to veto. But let us be very clear: He will have this as his legacy.

As a nation, we have always done what is right by our most vulnerable populations, not sometimes as efficiently or as swiftly as we could, but as we could. Our seniors and our children have always been at the top of that. Now our veterans are sacred. Veterans, when they go to serve our country, are soldiers for their entire lives, and we protect them. If this President won't live up to that ideal, then it is time to get one who will.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Arizona.

Mr. KYL. Might I just inquire now, would we be beginning the Republican time for morning business?

The PRESIDING OFFICER. There is still 9½ minutes remaining on the Democratic time.

Mr. KYL. I understand we have permission to proceed, and I thank the majority for that and would note that when speakers come on their side, then they would be entitled to their time.

The PRESIDING OFFICER. Without objection, the Senator from Arizona is recognized.

NOMINATION OF JUDGE MICHAEL MUKASEY

Mr. KYL. Mr. President, I wish to urge the swift confirmation of Judge Michael Mukasey as Attorney General. It has been 6 weeks now, and the Senate Judiciary Committee has not even taken up the nomination. It is past time to fill this vacancy.

There is no question this nominee is qualified to serve. I don't need to recite his qualifications. They were mentioned by many Members at Judge Mukasey's nomination hearing.

The distinguished majority leader said:

Judge Mukasey has strong professional credentials and a reputation for independence. A man who spent 18 years on the Federal bench surely understands the importance of checks and balances and knows how to say no to the President when he oversteps the Constitution.

There is no question, the Nation would be well served by Judge Mukasey's confirmation. Indeed, in recommending Judge Mukasey to serve on the Supreme Court, Senator SCHUMER noted that Judge Mukasey, and the others he recommended:

... were legally excellent, ideologically moderate, within the mainstream, and have demonstrated a commitment to the rule of law.

Surely, if a man is qualified and independent enough to be on the Supreme Court, we should have far fewer concerns when nominating him to serve the remaining time of about 1 year as Attorney General.

It seems to me that what this debate boils down to is politics. Some Members want more information about his views. I would note that he testified for 2 full days and has answered nearly 500 written questions. The initial reaction from many of my Democratic colleagues was that he was extremely forthcoming and they were pleased with his candidness. But for some Senators, apparently this is not enough. It almost seems to me as if some of my colleagues are willing to hold this nomination hostage until he gives them exactly the answers they want, even when he is unable as a legal matter to do that.

Let me explain why. Judge Mukasey has not been briefed on classified programs, and he will not be briefed on classified programs until he becomes the Attorney General, but some of my colleagues now seem to be saying he should have to make pronouncements about the legalities of those programs even when he doesn't know their details—can't know their details. How is this independent?

I would suggest this: My colleagues don't want an Attorney General who is independent; they want an Attorney General who will kowtow to their views and make pronouncements over