

S. RES. 24

Whereas the People's Republic of China adopted in 1971 the Universal Declaration of Human Rights, and has signed or ratified numerous international covenants and conventions protecting human rights, including the International Covenant on Civil and Political Rights, done at New York December 16, 1966, and entered into force March 23, 1976, the International Covenant on Economic, Social and Cultural Rights, done at New York December 16, 1966, and entered into force January 3, 1976, and the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, and entered into force June 26, 1987, among others;

Whereas the Constitution of the People's Republic of China "protects and guarantees human rights" by providing citizens with equality under the law, freedom of speech, press, assembly, association, procession, and demonstration, the right to own and inherit private property, freedom of religion, equality for women, and numerous other rights consistent with the Universal Declaration of Human Rights and other international human rights conventions and covenants;

Whereas, since 1991, the Governments of the United States and China have held 13 Human Rights Dialogues, the most recent of which took place in May 2008 in Beijing;

Whereas, in January 1977, more than 200 citizens of Czechoslovakia, representing different professions, faiths, and beliefs, formed a "loose, informal, and open association of people... united by the will to strive individually and collectively for respect for human and civil rights" and issued a document called Charter 77, which called on their government to protect basic civic and human rights as enshrined under national laws;

Whereas, inspired by the Charter 77 movement, on December 10, 2008, an informal group of more than 300 citizens of China from a wide array of backgrounds, professions, faiths, and beliefs issued a public statement entitled "Charter 08", a 19-point plan calling for greater rights and political reform in China, increased liberties, democracy, religious freedom, and rule of law;

Whereas authorities in China have detained several affiliates of that Charter 08 effort, including Liu Xiaobo, who remains in custody;

Whereas the Department of State has called on the Government of China to release Liu Xiaobo and cease harassment of all Chinese citizens who peacefully express their desire for internationally-recognized fundamental freedoms; and

Whereas thousands of individuals have added their names to the Charter 08 petition, and the document has been referenced in over 300,000 websites and blogs: Now, therefore, be it

Resolved, That the Senate—

(1) notes the numerous commitments the China has made to the international community as a signatory to the United Nations Universal Declaration of Human Rights and other international conventions;

(2) commends the citizens of China who have signed onto Charter 08 and are upholding principles consistent with China's international commitments on human rights and its own constitution;

(3) calls on the Government of China to release all people detained because of their involvement or affiliation with the Charter 08 effort, including Liu Xiaobo, in addition to all prisoners of conscience detained in violation of the domestic law and international commitments of China; and

(4) calls on President Barack Obama and Secretary of State Hillary Clinton to engage

with the Government of China on human rights issues at every reasonable opportunity and using all diplomatic means available, including the U.S.-China Human Rights Dialogue, and resist pressure to replace this dialogue with a weaker alternative.

SENATE RESOLUTION 25—EX-PRESSING SUPPORT FOR DESIGNATION OF JANUARY 28, 2009, AS "NATIONAL DATA PRIVACY DAY"

Mr. DORGAN (for himself, Mr. SPENCER, Mr. LEAHY, Mr. KERRY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. WICKER, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 25

Whereas the Internet and the capabilities of modern technology cause data privacy issues to figure prominently in the lives of many people in the United States at work, in their interaction with government and public authorities, in the health field, in e-commerce transactions, and online generally;

Whereas many individuals are unaware of data protection and privacy laws generally and of specific steps that can be taken to help protect the privacy of personal information online;

Whereas "National Data Privacy Day" constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and the protection of personal information on the Internet;

Whereas government officials from the United States and Europe, privacy professionals, academics, legal scholars, representatives of international businesses, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy professionals and educators are being encouraged to take the time to discuss data privacy and protection issues with teens in high schools across the country;

Whereas privacy is a central element of the mission of the Federal Trade Commission and the Commission will need to continue to educate consumers about protecting their personal information, and their consumer education campaigns should be part of a National effort;

Whereas the recognition of "National Data Privacy Day" will encourage more people nationwide to be aware of data privacy concerns and to take steps to protect their personal information online; and

Whereas January 28, 2009, would be an appropriate day to designate as "National Data Privacy Day": Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of a "National Data Privacy Day";

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of data privacy;

(3) encourages privacy professionals and educators to discuss data privacy and protection issues with teens in high schools across the United States; and

(4) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information online.

SENATE CONCURRENT RESOLUTION 3—HONORING AND PRAISING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 100TH ANNIVERSARY

Mr. DODD (for himself, Mr. REID, Mr. LEAHY, Mr. LEVIN, Mr. CARDIN, Mr. HARKIN, Mr. MENENDEZ, Ms. LANDRIEU, Mr. KENNEDY, Mr. BENNET of Colorado, Mr. KERRY, Mr. BROWN, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. LUGAR, Mr. BAYH, Mr. WYDEN, Mr. CRAPO, Mrs. BOXER, Mr. VOINOVICH, Mr. REED, and Ms. MIKULSKI) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 3

Whereas the National Association for the Advancement of Colored People (referred to in this resolution as the "NAACP"), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's decision in *Brown v. Board of Education*, 347 U.S. 483 (1954);

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws that ensured Government protection for legal victories achieved;

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, whose resolved clause expresses that: (1) the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be criminal; (2) this conduct should be investigated thoroughly by Federal authorities; and (3) any criminal violations should be vigorously prosecuted; and

Whereas in 2008 the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note), a law that puts additional Federal resources into solving the heinous crimes that occurred in the early days of the civil rights struggle that remain unsolved and bringing those who perpetrated such crimes to justice: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the 100th anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

AMENDMENTS SUBMITTED AND PROPOSED

SA 74. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 75. Mr. ROBERTS (for himself, Mr. HATCH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra.

SA 76. Mr. ROBERTS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 77. Ms. MURKOWSKI (for herself, Mr. SPECTER, Mr. JOHANNES, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2, supra.

SA 78. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 79. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2, supra.

SA 80. Mr. HATCH (for himself, Mr. VITTER, Mr. BROWNBACK, Mr. THUNE, Mr. BENNETT, Mr. JOHANNES, Mr. DEMINT, Mr. ROBERTS, Mr. RISCH, Mr. INHOFE, Mr. BARRASSO, Mr. GREGG, Mr. ENSIGN, Mr. GRASSLEY, Mr. MARTINEZ, Mr. MCCAIN, Mr. ENZI, Mr. CRAPO, Mr. CORKER, Mr. KYL, Mr. GRAHAM, Mr. COBURN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 81. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 74. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 75, strike line 18 and all that follows through page 76, line 2, and insert the following:

“(B) INCREASED FUNDING FOR OUTREACH AND ENROLLMENT GRANTS.—

“(i) APPROPRIATION.—In addition to amounts appropriated under subsection (g) of section 2113 for the period of fiscal years 2009 through 2013, there is appropriated, out of any money in the Treasury not otherwise appropriated, the amount described in clause (ii), for the purpose of the Secretary awarding grants under that section.

“(ii) AMOUNT DESCRIBED.—The amount described in this clause is the amount equal to the amount of additional Federal funds that the Director of the Congressional Budget Office certifies would have been expended for the period beginning April 1, 2009, and ending September 30, 2013, if subparagraph (A) did not apply to any State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures described in such subparagraph under the State child health plan.”

SA 75. Mr. ROBERTS (for himself, Mr. HATCH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; as follows:

Strike section 114 and insert the following:
SEC. 114. LIMITATION ON FEDERAL MATCHING PAYMENTS.

(a) DENIAL OF FEDERAL MATCHING PAYMENTS FOR COVERAGE OF HIGHER INCOME CHILDREN.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

“(8) DENIAL OF PAYMENTS FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE FOR HIGHER INCOME CHILDREN.—

“(A) IN GENERAL.—No payment may be made under this section for any expenditures for providing child health assistance or health benefits coverage under a State child health plan under this title, including under a waiver under section 1115, with respect to any child whose gross family income (as defined by the Secretary) exceeds the lower of—

“(i) \$65,000; or

“(ii) the median State income (as determined by the Secretary).

“(B) NO PAYMENTS FROM ALLOTMENTS UNDER THIS TITLE IF MEDICAID INCOME ELIGIBILITY LEVEL FOR CHILDREN IS GREATER.—No payment may be made under this section from an allotment of a State for any expenditures for a fiscal year quarter for providing child health assistance or health benefits coverage under the State child health plan under this title to any individual if the income eligibility level (expressed as a percentage of the poverty line) for children who are eligible for medical assistance under the State plan under title XIX under any category specified in subparagraph (A) or (C) of section 1902(a)(10) in effect during such quarter is greater than the income eligibility level (as so expressed) for children in effect during such quarter under the State child health plan under this title.”

SA 76. Mr. ROBERTS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance

Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007 (CHIPRA II).

The text of the Children's Health Insurance Program Reauthorization Act of 2007 (H.R. 3963, 110th Congress) as passed by the Senate on November 1, 2007, is hereby incorporated by reference.

SA 77. Ms. MURKOWSKI (for herself, Mr. SPECTER, Mr. JOHANNES, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. —. DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS AND COVERAGE OF LOW INCOME CHILDREN.

(a) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Section 2107 (42 U.S.C. 1397gg) is amended by adding at the end the following:

“(g) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with States, including Medicaid and CHIP directors in States, shall publish in the Federal Register, and post on the public website for the Department of Health and Human Services—

“(1) recommendations regarding best practices for States to use to address CHIP crowd-out; and

“(2) uniform standards for data collection by States to measure and report—

“(A) health benefits coverage for children with family income below 200 percent of the poverty line; and

“(B) on CHIP crowd-out, including for children with family income that exceeds 200 percent of the poverty line.

The Secretary, in consultation with States, including Medicaid and CHIP directors in States, may from time to time update the best practice recommendations and uniform standards set published under paragraphs (1) and (2) and shall provide for publication and posting of such updated recommendations and standards.”

(b) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 601(a), is further amended by adding at the end the following new paragraph:

“(12) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—

“(A) DETERMINATIONS.—

“(i) IN GENERAL.—The Secretary shall determine, for each State that is a higher income eligibility State as of October 1 of 2010 and each subsequent year, whether the State meets the target rate of coverage of low-income children required under subparagraph (C) and shall notify the State in that month of such determination.

“(ii) DETERMINATION OF FAILURE.—If the Secretary determines in such month that a higher income eligibility State does not meet such target rate of coverage, no payment shall be made as of April 30 of the following year, under this section for child health assistance provided for higher-income children (as defined in subparagraph (D)) under the State child health plan unless and until the Secretary establishes that the