

young people would have the opportunities these three students at Oak Ridge High School have had. There is broad bipartisan support.

I hope the new majority leader will make this one of his first initiatives in the Senate next year, just as he made it an important initiative toward the end of this session.

If America is to continue to be the global economic leader, we cannot afford to let this wait.

Thank you, Mr. President. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### SCHIP SHORTFALL

Mr. DURBIN. Mr. President, it is an interesting time to close a congressional session. We are about to consider a major spending bill, hundreds of billions of dollars, and a major tax bill that will have an impact on millions of Americans and scores of interest groups and businesses. It is interesting to see what the priorities are in the closing moments. We know that there will be many groups, particularly among businesses, that will be benefited by this tax bill. But it is interesting to me that in the list of priorities, sadly, there is a group that we are ignoring. That group, of course, is the children of this country, the children who don't have health insurance.

Illinois started an ambitious program last year to make sure all kids in Illinois have health care insurance. It is surely the right thing to do. Most uninsured children with asthma never see a doctor until they are hospitalized with an acute attack. One study found that kids without health care are 25 percent more likely to miss school. Another found that one in five children without health coverage needed glasses to see the chalkboard, but they didn't have any.

It is certainly wise to give these children health insurance. One in four uninsured children uses the emergency room as their regular source of medical care. The Florida Healthy Kids Corporation reports that emergency room visits dropped 70 percent when uninsured children were given the opportunity to see a doctor in an office.

Illinois's All Kids Program is ambitious, and it is working. But we can't do it alone. In 1997, the Federal Government made its first downpayment on a program for States to help make sure children have access to health care. The State Children's Health Insurance Program, known as SCHIP, began when Congress and the White House agreed that children in America

should be able to see a doctor when they are sick, when they need to buy glasses to see the chalkboard or when they need to be protected from infectious disease. Today, 9 years later, after the first Federal payments were delivered, 10 million children in America are without health insurance.

In Illinois, we are providing basic, bare-bones health care for 122,700 low-income children through the SCHIP program. The State has to match the Federal money, but we couldn't do it without the Federal help. This year the Federal payments will run out before the bills are paid. In fact, we are told the SCHIP payment will be 60 percent of what the Federal payment needs to be to maintain the current caseload, not to expand it and bring in more uninsured children, just to cover those children who, without SCHIP, would have no health insurance.

On Tuesday morning, the package that we are considering today included a bipartisan, no-cost provision to reallocate Federal SCHIP money so that Illinois and a dozen other States would be able to provide basic health insurance coverage for the kids already in the program. Twenty-four hours later, on Wednesday morning, after negotiations took place in the middle of the night, the SCHIP provision was gone. A lot of other things remained. There are still lots of tax provisions in there for special interest groups and businesses. Some of them are worthy. Some of them I support. But it is interesting that the first casualty of negotiation turned out to be 10 million uninsured children. They were left behind. Suddenly, low-income children in at least 11 States were dropped from this tax extender package. Merry Christmas from the United States Senate and the United States House of Representatives to these poor children who, because of our inaction and refusal to acknowledge the need for this program, have decided not to fund it.

Suddenly the rug was pulled out from under 73,620 low-income kids in my State. SCHIP payments to Illinois to take care of these kids will fall short by \$150 million. We made a promise to help these kids 9 years ago. These kids are innocent children. All they are asking for is the basics—the chance to go to a doctor, a chance to get the shots they need so they can avoid serious illnesses, a chance to get the glasses they need to be good students in the classroom, just the basics. This Congress, in its efforts to adjourn, to go home and enjoy the holidays with our own children and our own families, has forgotten some kids across America who need help in the SCHIP program.

I urge my colleagues not to give up on this issue. When we start to debate this tax extender bill in the hours ahead, I hope all my colleagues from affected States will come to the floor and will call to the attention of every Member of the Senate and the House of Representatives how we have failed in meeting this priority.

I sincerely hope that if we are unable to restore these funds in these closing hours, that this will indeed be a high priority of the new Congress when it resumes its work in January of next year.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

#### THE IMPORTANCE OF SENATE RULES

Mr. REID. Mr. President, as the 109th Congress fades into memory and the 110th Congress comes into view, I want to say a few words about the importance of Senate rules. One of our finest accomplishments over the last 2 years was something that the Senate chose not to do. In May 2005, the Senate turned aside the so-called nuclear option and decided to preserve the rules of the Senate which allow for extended debate on judicial nominations.

Almost a century ago the Senate adopted rule XXII which formalized the principle of extended debate and established a balanced mechanism for limiting debate. The current version of rule XXII requires two-thirds of the Senate to cut off debate on any change in the rules and three-fifths of the Senate to cut off debate on any other question before the body. The nuclear option would have forced a change in this venerable Senate rule by the brute force of a simple majority vote.

The campaign to rewrite Senate rules was misguided from the start. It was a raw abuse of power fueled by a misreading of history. The Senate came dangerously close to adopting this plan. On the eve of the showdown vote, a courageous band of 14 Senators, 7 Democrats and 7 Republicans, came together to derail it. They agreed to vote as a block against the nuclear option in exchange for an up-or-down vote on a handful of disputed court of appeals nominees.

I feel very comfortable that had that vote occurred, this same result would have followed, but did I want to roll the dice on that? The answer is no. In the aftermath of that so-called Gang of 14 agreement, I was asked who won? I said the American people won. I am happy to report that commentators since then have also said that the American people won.

Had the nuclear option prevailed, it is almost certain that other valuable Senate traditions would soon have fallen to political expediency, raw power, simple majority vote, and we would have become another House of Representatives. Confirmation of a handful of controversial court of appeals nominees was a small price to pay for preserving the sanctity of the Senate rules for future generations.

The nuclear option was the most important issue I have worked on in my public life. Its rejection was my proudest moment as minority leader. I emerged from the episode with a renewed appreciation for the majesty of

Senate rules. As majority leader, I intend to run the Senate with respect for the rules and for the minority rights the rules protect.

The Senate was not established to be efficient. Sometimes the rules get in the way of efficiency. The Senate was established to make sure that minorities are protected. Majorities can always protect themselves, but minorities cannot. That is what the Senate is all about. For more than 200 years, the rules of the Senate have protected the American people, and rightfully so.

The need to muster 60 votes in order to terminate Senate debate naturally frustrates the majority and oftentimes the minority. I am sure it will frustrate me when I assume the office of majority leader in a few weeks. But I recognize this requirement is a tool that serves the long-term interest of the Senate and the American people and our country.

It is often said that the laws are "the system of wise restraints that set men free." The same might be said of the Senate rules.

I will do my part as majority leader to foster respect for the rules and traditions of our great institution. I say on this floor that I love so much that I believe in the Golden Rule. I am going to treat my Republican colleagues the way that I expect to be treated. There is no "I've got you," no get even. I am going to do everything I can to preserve the traditions and rules of this institution that I love.

The PRESIDING OFFICER. The Senator from Florida.

#### THE VALUE OF FREEDOM

Mr. MARTINEZ. Mr. President, later today we will be considering the Vietnamese proposal for permanent normalized trade relations. Before consideration of that issue, I wanted to take a few moments to discuss what I believe to be the beauty of freedom and the power that just one individual can have in personifying a truly transcendent value.

Recently I had the opportunity to come to know a young woman in Orlando, FL, a constituent of mine named Liz McCausland.

She contacted my office some months ago with a seemingly simple request. She wanted to see her mother. Her mother is Thuong Nguyen Foshee. She goes by "Cuc." At the time of the request, Mrs. Foshee, a U.S. citizen, born in Vietnam, was sitting in a Vietnamese jail. She had been in that jail for some period of time and she had not been charged with a crime. She had not had the benefit of counsel. She had not been informed of the charges against her in any way, shape or form.

For several weeks immediately after her arrest, her family didn't even know where she was. This ordeal began in September 2005. She had no hope for due process. She had the need for some medical care and attention, and this went wanting for several weeks, if not

months. She finally began to have contact with the U.S. consul, and it was a 20-minute visit once a month.

At the time of her arrest, Mrs. Foshee had gone to Vietnam, her native country, as a U.S. citizen to attend a nephew's wedding. The Vietnamese Government, at some point or another, finally said she was suspected of terrorist activity. The fact is that it should not come as a surprise that the Vietnamese Government was not fond of Mrs. Foshee because she was one of those people, whom I can certainly identify with, who believes it is the right of every person, no matter where they live, to elect their leaders—something as simple as what we did on November 7 in this country, which we take for granted. There are still people around the world who are denied such a right.

The Vietnamese people today cannot elect their leaders. Cuc Foshee believes that a Vietnam that is free to elect their leadership is a Vietnam that would respect also the rights of all of its people. So because she was someone who was vocal in the Vietnamese-American community and spoke freely of her hope and wishes for her native land, she actually became an obvious target to a government that felt threatened by the voice of a common citizen who believed she should speak out.

For that, Cuc Foshee and several other Americans, in fact, were arrested, interrogated, and sent to jail, without the knowledge of when or if they would ever be released or allowed to return to the United States. Many people went to work on this problem. Today, I thank our Secretary of State, Condoleezza Rice, for her interest in this matter, and I particularly thank U.S. Ambassador to Vietnam, Michael Marine, and the staff of the U.S. State Department, and others, whether in Vietnam or in the State Department here, who worked on her case. Volunteers came to help. The law firm of Holland & Knight offered their services pro bono. In addition to that, I particularly note and thank members of my staff who worked diligently and passionately to seek the release of Mrs. Foshee. Melissa Hernandez, in my office in Florida, and John Goetchius, here in Washington, worked hand-in-glove with Mrs. Foshee's daughter, Liz McCausland, and others, to see that Mrs. Foshee came safely back to the United States. She has been returned to the United States, and it has been a wonderful blessing to her family.

We recently celebrated, in Orlando, her return home. Congressman RIC KELLER was also there, my colleague, who also step-by-step was a partner for me in seeking the release of Mrs. Foshee.

So when the permanent normal trade relations between the U.S. and Vietnam came to be considered, I objected to the legislation being considered until I was confident that Mrs. Foshee would be able to receive the kind of due

process that we expect as a matter of course, which she deserves under any observance of human rights, and until she would be back with her family in Orlando. That has now occurred.

Mrs. Foshee's freedom has allowed me to lift any objections to consideration of the PNTR status as it relates to Vietnam. While I will vote for that today, I must say that concerns remain. Vietnam's disregard for the rule of law is something that is not only troubling, but it will make normal trade relations difficult with free societies.

It would be good for the Government of Vietnam to understand that tolerance, as it relates to people's willingness to practice religion as they see fit, is important in order to join the family of nations in a full and complete way.

I appreciate the cooperation of the Government of Vietnam in allowing Mrs. Foshee to come back to America and be free. But I must suggest that, at the same time, it is hollow if it is only for Mrs. Foshee because of the pressure brought to bear her case. The right of people to freely speak, elect their leaders, and to live in a democratic system is the only way for the people of Vietnam to fulfill the promise that they have, to fulfill the promise that can come through normalized trade relations with the United States.

The people of Vietnam not only can have normal trade relations, they must live it. They will find that the rule of law will be a troubling matter if it is not observed. Whether it is foreign businesspeople traveling to Vietnam, whether it is the rule of law as it applies to contracts, it is a fundamental, essential, integral part of normal trade relations. Mrs. Foshee's hope was that others in Vietnam would have the opportunity to live in freedom such as she has tasted in America. I hope that day will come as well.

My career as a public servant has been irrevocably influenced by this experience. I believe I will never do anything greater than to have played a part in securing the freedom of one individual. I know what it means. I understand what it is like to live under oppression. I believe that all people, no matter where they are, are entitled to live with the dignity and the hope that comes from understanding that there is freedom and there are human rights that are observed.

Each of us owes a debt of gratitude to Mrs. Foshee for taking a stand for freedom and, in her own example, leading us to know that it has a value, even if at times a price must be paid for it.

#### REAUTHORIZING THE OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6344, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.