

should be reaffirmed in the nation's ruling charter.

We need to finish the job started by La Follette and other reformers nearly a century ago. Nobody can represent the people in the House of Representatives without the approval of the voters. The same should be true for the Senate.

In the several days since I announced my intention to introduce this amendment, I have heard a number of arguments raised against it. I would like to briefly address them. First of all, some suggest this amendment is an overreaction to the headlines of the day. But there are several precedents for amending the provisions of the Constitution that relate to the structure of government based on specific events. The 22nd Amendment, limiting the presidency to two terms, passed in 1951 in response to President Franklin D. Roosevelt's four-term presidency. The 25th Amendment, revising presidential succession, was passed in 1967 in response to confusion that occurred after the assassination of President Kennedy. If events demonstrate that there is a problem with our government structure, sooner or later we must take steps to address those problems. There is no better time to do that than when the effects of the structural flaw are most evident and most prominently part of the public debate.

Another objection I have heard to this proposal is the potential financial burden on the states that must pay for special elections. As someone with a reputation for fiscal discipline, I always consider a proposal's impact on the taxpayer. But the cost to our democracy of continuing the anachronism of gubernatorial Senate appointments is far greater than the cost of infrequent special elections. And weighing the costs associated with the most basic tenet of our democracy—the election of the government by the governed—sets us on a dangerous path. Besides, the Constitution already requires special elections when a House seat becomes vacant, a far more frequent occurrence since there are so many more Representatives than Senators. I find the cost argument wholly unconvincing.

Another argument I have heard is that special elections garner very low turnouts, or favor wealthy or well known candidates. They are not particularly democratic, the argument goes. And that may very well be true. But they are a whole lot more democratic than the election held inside the mind of one decisionmaker—the governor. Special elections may not be ideal, but they are elections, and every voter has the opportunity to participate. As Winston Churchill said, "It has been said that democracy is the worst form of government except all the others that have been tried."

I have also heard the argument that the candidates for the special election will be selected by party bosses because there won't be time for a primary.

That is simply not true. Under this amendment, each state can decide how to set up its special elections. My home State of Wisconsin provides for a special election within about 10 weeks of the vacancy, with a primary one month earlier. It's a compressed schedule to be sure, because the state doesn't want to be without representation for too long. But it can be done. I would hope that most states would want to hold primaries, but the point of this amendment is to make clear that only Senators who have been elected by the people can serve, not to micromanage how the states want to implement that requirement.

I believe the core issue here is whether we are going to have a government that is as representative of and responsive to the people as possible. The time to require special elections to fill Senate vacancies has come. Congress should act quickly on this proposal, and send it to the states for ratification.

AMENDMENTS SUBMITTED AND PROPOSED

SA 82. Mr. COBURN 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 83. Mr. GRASSLEY (for himself, Mr. HATCH, Mr. ROBERTS, Mr. BOND, Mr. CORKER, Mr. ALEXANDER, Ms. MURKOWSKI, and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2, supra.

SA 84. Mr. COBURN (for himself, Mr. BURR, and Mr. GREGG) 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 85. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra.

SA 86. Mr. COBURN (for himself, Mr. BURR, Mr. GREGG, Mr. MCCONNELL, Mr. ENZI, Mr. CORNYN, Mr. DEMINT, Mr. JOHANNES, Mr. KYL, Mr. ALEXANDER, Mr. GRAHAM, Mr. CHAMBLISS, Mr. THUNE, Mr. BARRASSO, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra.

SA 87. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 88. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 89. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 90. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 91. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 92. Mr. COBURN 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 93. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment in-

tended to be proposed by her to the bill H.R. 2, supra.

SA 94. Mr. BAUCUS (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 2, supra.

SA 95. Mr. BAUCUS (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 2, supra.

SA 96. Mr. BAUCUS (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 2, supra.

SA 97. Mr. ROCKEFELLER (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2, supra.

TEXT OF AMENDMENTS

SA 82. Mr. COBURN 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:

At the appropriate place, insert the following:

SEC. ____ COMPLIANCE WITH STATE AND FEDERAL LAWS.

Notwithstanding any other provision of law, no Federal funds shall be made available under this Act (or an amendment made by this Act) to a health care provider to reimburse such provider for providing an unemancipated minor with a prescription contraceptive drug or device, including the surgical insertion of a contraceptive device or an injection of a contraceptive drug, unless such provider complies with State and Federal child abuse, child molestation, sexual abuse, rape, statutory rape, and incest reporting laws.

SA 83. Mr. GRASSLEY (for himself, Mr. HATCH, Mr. ROBERTS, Mr. BOND, Mr. CORKER, Mr. ALEXANDER, Ms. MURKOWSKI, and Mrs. HUTCHISON) proposed an amendment 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 all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Children's Health Insurance Program Reauthorization Act of 2009".

(b) **AMENDMENTS TO SOCIAL SECURITY ACT.**—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) **REFERENCES TO CHIP; MEDICAID; SECRETARY.**—In this Act:

(1) **CHIP.**—The term "CHIP" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) **MEDICAID.**—The term "Medicaid" means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) **SECRETARY.**—The term "Secretary" means the Secretary of Health and Human Services.

(d) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references; table of contents.