

make the case the States are not doing a good job of handling these crimes. These kind of crimes are intra-State crimes. I do not think he can make the case there is a sufficient nexus of interstate commerce to justify what I consider to be the unconstitutional Kennedy amendment.

The Senator from Massachusetts stated earlier that "all hate crimes will face a Federal prosecution."

If that is true, then prepare for a massive federalization of basic criminal law, which is handled well by the States. Maybe 100 years ago you could find States not enforcing hate crime laws, but I do not think you will find that today in any State in this Union. There is not a person in the Senate who wants those crimes to go unpunished. But the States are handling them well. Why would we bring the almighty arm of the Federal Government into these matters?

There are also several reasons this bill is unconstitutional. Consider one: The Supreme Court held that certain of the criminal provisions of the Violence Against Women Act were unconstitutional because most crimes of violence against women were not interstate in nature. I have to admit I was a prime cosponsor, along with Senator BIDEN, of VAWA. I was somewhat disappointed in that decision, but that is the decision. That is our constitutional law. The Kennedy amendment would criminalize many physical and sexual assaults. The same constitutional issues are at stake.

Again, I decry hate crimes. I do not believe there should be evil discrimination, bias discrimination, in any way, shape or form. I have always stood up for the rights of those who have been discriminated against. I may have differed on some bills, as I do on this one. But I decry these types of acts. But to federalize hate crimes legislation and to make it not only burdensome but very intrusive on the State's work in this area, I think, is the wrong thing to do.

I hope my colleagues will consider some of these thoughts. I will speak in more detail tomorrow. But the fact of the matter is I think it is a real mistake, when the States are doing as good a job as they have been doing, when the very crimes they use to justify this bill were handled by the States and people were sentenced to long terms, or even to death, I think it is inadvisable for us to proceed on this amendment.

Last but not least, the President said he is going to veto the bill if Senator KENNEDY's amendment makes it in. I think it is wrong to put this amendment into this Defense Authorization Act. It has been wrong, as far as I am concerned, to have a lot of these amendments that have been brought up on the floor that have nothing to do with Defense authorization, or have everything to do with trying to score political points, at a time when we should have passed this bill 2 weeks ago and

gotten it on its way to the House of Representatives and then to the President, so our soldiers will have the benefits this bill provides for.

Adding hate crimes to it may lead to a veto of the whole bill. That would be just plain tragic, especially since we know of the President's suggestion that he will veto the hate crimes bill. So I am concerned about it. I understand Senator KENNEDY's motivation on this. He wants to get it on a bill that has to pass both Houses of Congress. But it ought to be on a bill related to hate crimes or related to criminal law, not something that can scuttle this important Defense authorization bill. I personally feel badly that so many of these days have gone by with amendments that have nothing to do with the defense of our country or our soldiers in Iraq and Afghanistan and elsewhere around the world.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Oregon is recognized.

CHILDREN'S HEALTH CARE

Mr. WYDEN. Mr. President, I hope tomorrow the Senate will pass urgently needed help for millions of America's children. I hope it will be done quickly because it is a moral abomination that millions of America's kids don't have health care. If the Senate acts quickly and the White House approves the legislation, it would then be possible to move forward on a bipartisan effort to more broadly address the extraordinary health care needs of all of our citizens.

The fact is, you don't get anything important done on health care, or other issues, unless it is bipartisan. Tomorrow, we will see a textbook case of bipartisanship on display on the floor of the Senate. Four members of the Senate Finance Committee on which I am proud to serve—Senators BAUCUS, GRASSLEY, ROCKEFELLER, and HATCH—and I see my friend from Utah on the floor. I salute him personally in my remarks because I know the Senator from Utah, the Senator from West Virginia, the Senator from Montana, and the Senator from Iowa spent hours and hours, day after day, working on the legislation to help our kids.

Bills such as this don't happen by osmosis; they happen because legislators of good faith, such as Senator HATCH, who, along with Senator KENNEDY and others, was a pioneer of this effort. Senator HATCH has addressed the major concerns. This is protecting private options for health care for children. He has been able to target the neediest youngsters. I am pleased he has addressed this waiver question and the remarks that the Senator has made and the distinguished Senator from Iowa has made, joining Senators BAUCUS and ROCKEFELLER. This is a textbook case, in my view, of how we address health care in a bipartisan way.

Frankly, one of the points I am going to make tonight in my remarks is that

I wish to have this issue addressed by the Senate quickly because, first, our kids need it so much and, second, because if we can get it done quickly, he and I, Senator GRASSLEY, and so many other colleagues on the Finance Committee still want to work in a bipartisan way to go further.

Mr. HATCH. Will the Senator yield?

Mr. WYDEN. Yes.

Mr. HATCH. I thank the Senator for his kind remarks, which come from somebody who I know takes health care very seriously and has proven himself to be one of the leaders in health care. I personally pay tribute to the other Members who have also worked so hard on the SCHIP bill; in particular, Senator KENNEDY. I remember back in the early days, when it was a lonely thing for Senator KENNEDY and I to go around the country talking about helping the poor kids, the only ones left out of the health care system. It took a leading liberal such as Senator KENNEDY and this poor, old beaten-up conservative to be able to do that.

I am grateful we were able to come up with a bipartisan bill that the House was kind enough to work with us on. That was one of the rare bipartisan efforts this year that I would like to see more of in the Congress.

I sure hope somehow or another we can get the CHIP bill not only authorized but passed and signed into law so these 10 million kids have a future from a health care standpoint.

In any event, I did not mean to take so much of the Senator's time, but I wanted to thank him for his very kind and thoughtful remarks. His friendship is important to me. I personally congratulate him for his sensitive and very professional work on health care, not only in the House of Representatives but here as well.

Mr. WYDEN. I thank my friend. The fact that Senator HATCH and Senator KENNEDY, in particular, have prosecuted this cause of improving health care for our citizens has been so important. It is going to pay off, I hope, this week with resounding support for the children's health bill.

I want to spend a few minutes tonight talking about the possibility, with a strong victory for the cause of children's health, about the prospects of moving on from there. I wish to pick up on the remarks of the distinguished Senator from Iowa, Mr. GRASSLEY. He has been very gracious in terms of working with me and looking at the variety of options for broader reform. And I appreciate the conversation that Senator GRASSLEY had just a few days ago with the White House.

What a lot of us are saying to the White House is we think you have some valid points with respect to the broader issue of health care reform. I happen to think that Democrats have been spot on, absolutely correct on the coverage issue. We have to cover everybody because if we do not cover everybody, the people who are uninsured shift their

bills to people who are insured. But Republicans have had a very valid point as well that there ought to be private options, that there ought to be choices, that you need to have a strong delivery system with American health care in the private sector. That is why I made mention of the emphasis in the children's health bill on the private sector options.

My message to the White House has been, and I think the distinguished Senator from Iowa has made the same point, that it will not be possible to go on to the broader issue of health care reform until first the urgent needs of our children, needs that are demonstrated every single day in communities across the land—we are not going to see efforts on the broader reform effort pay off until first the needs of our children are met.

I hope the White House will see that the prospects of getting into issues that they correctly identify as important—I have said for a long time, and I say to my colleagues again, every liberal economist with whom we have talked in the Finance Committee and the Budget Committee has made the point that the current Tax Code disproportionately on health care favors the most wealthy and encourages inefficiency.

If the children's health bill can get passed, and passed quickly, we can then go forward, Democrats and Republicans, to work together on it. I have a different approach than the White House has with respect to fixing the Tax Code on health care, but certainly there are ways that Democrats and Republicans can work together if there is the same kind of good faith, bipartisan effort we have seen with Democratic and Republican leaders on the CHIP legislation.

I hope the White House will not veto the CHIP bill. They want broader health care reform, and so do I. The fact is, Senator BENNETT of Utah and I, along with Senator GREGG, Senator ALEXANDER, and Senator BILL NELSON, have brought to the floor of the Senate the first bipartisan universal coverage health bill in more than 13 years. It has been more than a decade. I say to my colleagues, since there has been a bipartisan universal coverage bill.

The fact is, out on the Presidential campaign trail, a lot of the Democratic candidates for President and a lot of the Republican candidates for President are talking about some of the very same approaches I outlined when I proposed the Healthy Americans Act in December of 2006.

This is an important time for the future of health care in our country. I hope steps will be taken to meet the needs of our kids that are so urgent and the President will sign that legislation, that he will see the value of the important bipartisan work done in this Chamber. If he does, even though the clock is ticking down on this Congress—and there is not a lot of time left for major initiatives—I still be-

lieve, as do Senator BENNETT and the sponsors of the Healthy Americans Act, Democratic and Republican colleagues with whom we continue to talk, that it is possible to go forward after a good children's health bill is passed to have broader health reform. And I think colleagues understand how urgent that is.

One of the sponsors of our Healthy Americans Act, Senator GREGG, the ranking Republican on the Budget Committee, just came into the Chamber. I am very honored to have him as a cosponsor of the Healthy Americans Act. Senators GREGG and CONRAD have correctly identified entitlement spending and the need to address it as a special priority.

The fact is, we cannot address the growing escalation in entitlement spending unless we deal with health care reform. We just cannot do it. It cannot happen because there are no costs rising in America like medical bills. Medical bills are a wrecking ball, flattening communities across the country and are the principal factor in the mushrooming cost of entitlements.

Again and again, the question of our country's well-being, the place of our companies in a tough global marketplace, the spiraling cost of entitlements comes down to the need to better address comprehensive health reform.

I believe, even though there is not a lot of time left in this session of Congress, that can be done, but only if, as Senator GRASSLEY noted early in the evening, the legislation that ensures that at least this session of Congress, at a minimum, takes steps to remove some of that moral taint we now face because our kids don't have health care. If that is done, we can go on from there.

I hope tomorrow we will see a resounding vote for the country's children. It is in their interests, it is in their name that we have had a bipartisan coalition working on the legislation. But I also suggest to the White House and others who want broader reform, reform that picks up on some of the White House's principles, it cannot happen unless the children's health bill is passed, and passed with a strong majority this week and the President signs it into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I echo the words of the Senator from Oregon and thank him for his leadership on health care issues and especially his urging the President of the United States to sign the children's health insurance bill. We are hoping for a strong vote in the Senate tomorrow in passing that very important legislation.

HATE CRIMES

Mr. BROWN. Mr. President, I rise this evening in support of the Kennedy amendment, the hate crimes amend-

ment. Our Nation's strength lies in its diversity, its tolerance, its respect for the individual. Hate crimes borne of prejudice and ignorance, of fear and cowardice, contravene these core principles which our Nation for more than two centuries has held dear. They are perpetuated by individuals who fear, in some sense, individuality. Terrorism is a hate crime.

The amendment offered by my colleague, Mr. KENNEDY, ensures that hate crimes be investigated and prosecuted to the fullest extent of the law. It enables Federal investigations of what are clearly Federal crimes. Hate crimes target individuals because they are part of a community. In the national community, all of us have a stake in fighting back against these crimes.

My colleague's amendment sends a strong message. The message is this: Our Nation will not turn the other way when individuals try to divide us. We will not tread softly when individuals use violence to perpetuate hatred. We will prosecute to the fullest extent of the law crimes that reflect a vicious disregard for individual rights and our Nation's core central values.

Our Nation is a community of people who care about one another. Hate crimes destroy our cohesiveness and our mutual respect and replace those values with paranoia, with divisiveness, and with destruction. Hate crimes weaken our Nation. This amendment strengthens it.

I urge my colleagues to support the amendment.

FOREWARN ACT OF 2007

Mr. BROWN. Mr. President, in July, I introduced S. 1792, the FOREWARN Act of 2007, a direct outgrowth of legislation that one of my predecessors, two predecessors ago, Senator Metzenbaum from Ohio, introduced called the WARN Act, legislation he got through the Congress in the 1980s, but legislation that now needs an update. It is about plant closings and job loss.

Job loss, whether it is in Ohio or whether it is in Seattle, does not just affect a worker or a worker's family. Job loss devastates entire communities and local economies.

While notice of a layoff is no substitute for a job, the WARN Act of 20 years ago was supposed to give employees time to find a new job and for help to be provided. Under current law, however, fair notice has proven to be the exception, not the rule, because too many have gamed the old WARN Act.

Employers have laid off workers in phases to avoid the threshold level of the WARN Act, used subsidiaries to evade liability, and pressured workers in too many cases, in too many places around Ohio to waive their rights.

Whether one lives in Toledo, Columbus, Cleveland, Akron, Cincinnati, or Lebanon, it is absolutely critical that in these situations, workers and groups have sufficient notice to begin working to attempt to limit the damage this causes a community.