friends coping with this tragic loss. David's death shows us that these crimes have a profound psychological impact. We must do all we can to let victims know they are not to blame for this brutality, that their lives are equally valued. We can't wait any longer to act.

Our amendment is supported by a broad coalition of 210 law enforcement, civic, disability, religious and civil rights groups, including the International Association of Chiefs of Police, the Anti-Defamation League, the Interfaith Alliance, the National Sheriff's Association, the Human Rights Campaign, the National District Attorneys Association and the Leadership Conference on Civil Rights. All these diverse groups have come together to say now is the time for us to take action to protect our fellow citizens from the brutality of hate-motivated violence. They support this legislation, because they know it is a balanced and sensible approach that will bring greater protection to our citizens along with much needed resources to improve local and State law enforcement.

Our bill corrects two major deficiencies in current law. Excessive restrictions require proof that victims were attacked because they were engaged in certain ''federally protected activities.'' And the scope of the law is limited, covering hate crimes based on race, religion, or ethnic background alone.

The federally protected activity requirement is outdated, unwise and unnecessary, particularly when we consider the unjust outcomes of this requirement. Hate crimes now occur in a variety of circumstances, and citizens are often targeted during routine activities that should be protected. All victims should be protected—and it is simply wrong that a hate crime—like the one against David Ritcheson—can't be prosecuted federally because it happened in a private home.

The bill also recognizes that some hate crimes are committed against people because of their sexual orientation, their gender, their gender identity, or their disability. Passing this bill will send a loud and clear message. All hate crimes will face Federal prosecution. Action is long overdue. There are too many stories and too many victims.

We must do all we can to end these senseless crimes, and I urge my colleagues to support cloture on this amendment and to support its passage as an amendment to the DOD authorization bill.

Madam 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.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Missouri, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 5 p.m.

Thereupon, the Senate, at 3:32 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. BIDEN).

The PRESIDING OFFICER. The Senator from Michigan.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, at 5:01 p.m., the Senate recessed subject to the call of the Chair and reassembled at 5:05 p.m. when called to order by the Presiding Officer (Mr. SALAZAR).

The PRESIDING OFFICER. The Senator from Michigan.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator BAUCUS be recognized for up to 6 minutes as in morning business and then we return to the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana.

CHIP

Mr. BAUCUS. Mr. President, King David sang:

> How good and pleasant it is when brothers live together in unity!

When it comes to work here in Congress, the Children's Health Insurance Program has been as close to that ideal as a major piece of legislation can be. It began 10 years ago, with Senators working together across the political spectrum: Senators ORRIN HATCH and TED KENNEDY; Senators JOHN CHAFEE and JAY ROCKEFELLER. I was proud to have been part of that.

It passed overwhelmingly 10 years ago, and the President signed it into law. It worked.

The Children's Health Insurance Program brought people together across political divides because CHIP was, and always has been, about helping kids. CHIP has been about helping young Americans who, through no fault of their own, live in working families who cannot afford expensive private health insurance. It is about kids. It is about health. It is about low-income kids.

CHIP is about kids going to the doctor. It is about kids having checkups. It is about kids getting vaccinations. It is about kids seeing the dentist.

Healthy children are more likely to go to school. They are more likely to do well in school. They are more likely to get a good job after school. They are less likely to end up on welfare. They are more likely to become a productive member of the workforce.

The Children's Health Insurance Program has been a success. Since 1997, the share of all American children without health insurance dropped by a fifth, while the number of uninsured adult Americans increased. For our country's poorest children, the uninsured rate has dropped by a third.

Governors from both parties support the Children's Health Insurance Program. Two Presidents of different parties have supported and expanded CHIP.

This year, we worked together to improve and extend the program. Senators ORRIN HATCH and JAY ROCKEFELLER, CHUCK GRASSLEY and I worked very closely together, with many meetings, working as hard as we could, focusing on kids. We cooperated in the finest tradition. I thank my colleagues for the hundreds of hours they put into that effort.

Some told me: Put CHIP in reconciliation. That is the fast-track process we use sometimes around here. Some said: Use the fast-track budget process to pass CHIP, so you do not have to get big majorities to get things done. You do not have to worry about 60 votes. But I said: No. CHIP has always been a consensus bill. We would make CHIP a consensus bill again this year. It has in the past. It should always be.

That is what we did. The Finance Committee reported the CHIP bill out by a vote of 17 to 4, strongly bipartisan. The Senate passed it by a vote of 68 to 31. This evening, the House of Representatives will pass essentially the same CHIP bill we passed in the Senate.

Now it is time for us to pass this bill and send it to the President. When we do, it will be time for the President to show he is also a uniter, he is not a divider but a uniter. It will be a time for the President to act in the best traditions of compassionate conservatism. It will be a time for the President to sign this bill.

Let us show how good and pleasant it can be for Washington to work together in unity. That is what our people want. That is what the people who sent us here want. They want us working together. They do not like big fights, so long as we are doing what they regard is basically, essentially the right thing. This is that, clearly. So let us help get health care to kids who need it, and let us enact this CHIP bill into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, what is the pending amendment?

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will return to consideration of H.R. 1585.

The Senator from Michigan.

Mr. LEVIN. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. There are amendments to the motion to commit with instructions.

Mr. LEVIN. Other than those amendments that filled up the tree, there are no pending amendments; is that correct?

The PRESIDING OFFICER. There are also amendments to the substitute.

AMENDMENT NO. 2997

Mr. LEVIN. Mr. President, we are trying to work out a unanimous consent agreement so we can vote on the amendment of the Senator from Delaware, hopefully, at 5:30. We are attempting to work out a unanimous consent agreement. We do not have it yet.

I will suggest, if the Senator from Delaware is willing, because there is a reasonable chance we are going to get there, that he now describe his amendment and offer his amendment, and then—he cannot technically offer it, but he can describe his amendment—and, hopefully, we can get a unanimous consent agreement. If we do, he could then technically offer it.

So I would suggest that without offering his amendment, the Senator from Delaware describe his amendment, debate his amendment, in the hopes we can get a unanimous consent agreement to vote on that amendment at 5:30. We do not have it yet, but we are working on it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am happy to do that. I see the former distinguished ranking member of the Armed Services Committee is on the floor. Let me say at the outset how much I appreciate both him and the chairman of the committee for making some very constructive suggestions as to how to amend my amendment.

At the appropriate time, I will call up the amendment and move for its modification. But I want to, at the outset, tell the Senator from Virginia how much I appreciate his leadership. The truth is, he and I had a fairly extensive colloquy on the floor last week on this amendment. True to his word, the Senator said he was going to take a look at this amendment, he was seriously interested in it, and he wanted to look at it. As is always the case with the Senator from Virginia, he kept his word. He not only kept his word, but he improved what Senator BROWNBACK and I and Senator BOXER and others had come forward with. Again, at the appropriate time, I will move to amend Biden-Brownback along those lines.

But, as I understood it, there was the possibility that if we had gotten the unanimous consent agreement, there would be 15 minutes on a side. I know a number of people want to speak. I had an opportunity to speak on this amendment at length last week.

My distinguished colleague from California, who I must say—and I am sure my colleagues will fully appreciate this—we would not have gotten to this point were it not for the Senator from California. Her embrace of this approach well over a year ago, quite frankly, legitimized this in a way on my side of the aisle that no one else, quite frankly, could have done.

The fact that it has such, at this point—and, God willing, as my grandfather would say, and the ''crick'' not rising—hopefully, when we vote, it will bear out what I am about to say. This has genuine bipartisan support but not merely bipartisan support. This has genuine support that crosses ideological divides as narrow or as wide as they are in this body. I think that is a very hopeful sign for the emergence of a policy in Iraq that would give us some real opportunity.

With the Chair's permission and my colleagues' permission, I would like to yield the floor to my colleague from California, if she would like to speak to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, are we awaiting, hopefully, an agreement at this point? We are speaking on the bill in general? Is that where we are?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, I hope my colleagues will indulge me for about 5 or 6 minutes while I speak about the Biden-Brownback-Boxer-Specter, and many other colleagues on both sides of the aisle, amendment. I wish to say to my colleague from Delaware how much I appreciate what he has done. In the face of so much opposition, he has kept to this idea that we need to respect the Iraqis enough to understand the reality of their situation.

I remember before we had the vote on whether to go to war, or give the President the authority to go to war, a friend of mine, former Congressman John Burton, called me and said: BARBARA, I want you to read one book before you cast your vote, one book that I think explains what Iraq is about. That book is entitled ''The Reckoning,'' and it was written by someone named Sandra Mackey, a historian, in 2002. So I read the book before we voted on whether to give the President authority to go into Iraq. The book detailed how Saddam Hussein egregiously used his power as a brutal dictator and a strongman to hold that country together. She explains the history of Iraq and why the only way to hold it together, in her view, was by such a strongman and what a terrible reality she came to. She said that after World War I, Iraq was a young, fragile country, patched together by the victorious European powers.

She wrote:

> Within its artificial boundaries, the Iraqis have lived for eight decades as a collection of competing families, tribes, regions, tongues, and faiths. This complex, multilayered mosaic of Arabs and nonArabs, Muslims, and Christians, is trisected by Iraq's three major population groups, each in possession of a distinct identity; each group dominates a region of Iraq—the Sunnis the center, the Shia the south, the Kurds the north.

She goes on to conclude:

> Iraq is a state, not a nation. Over the 80 years of their common history, the Iraqis have engaged in the conflicted, and at times convoluted search for a common identity. But Iraqis as a whole have never reached consensus.

What Senator BIDEN has understood for several years now, and why I was so interested in supporting him from the very start as a proud member of his Foreign Relations Committee, is we have to deal with the Iraq we have, not the Iraq we wish we had. If that sounds similar to someone—I understand that is a similar sentence. But we don't have an Iraq that we romantically wish we had. After all, as Senator BIDEN has said many times, for Iraq to survive and thrive, they have to want democracy as much as we want it for them. I think that quote by Senator BIDEN has been in my mind since the very start of this war that I did not vote for.

So I see a light at the end of a very dark tunnel—a darkness that is impacting our Nation. It is impacting the Senate in a way where we are paralyzed. We can't get from A to B; we can't see this light. We can't grab it. We argue over military tactics such as a surge. Our military has done everything we have asked them to do. But every single military leader and political leader has told us there is only one solution, and it is a diplomatic one. In this very important amendment, what Senator BIDEN and the rest of us are doing is saying, there is a light at the end of the tunnel. Look at the Kurds. Look at the Kurdish area. Do my colleagues know, and thank God, we haven't lost one soldier in that area. Of the approximately 165,000 soldiers we have there, only 100 soldiers are there.

The Kurds are running their own lives. They even fly the Kurdish flag. They make their own decisions. I think worth repeating is this solution we are putting before the Senate today—we hope it is today—recognizes the Iraqis will decide this for themselves, that this idea is consistent with the Constitution, not outside their Constitution. Of course, they will be the ones who have to embrace this.

But what this amendment does is it says to the world we are ready to move past a military solution. We understand we are not going to have lasting