

individuals affirm your citizenship. You can do this by mail. You don't even have to show up in person. So it is not as if we have onerous requirements today to participate in the program.

Even with the very generous provisions we have, it is my understanding from a GAO study in 2007 that we think most of the people who are eligible are signing up and we are not getting a lot of ineligible people signing up. In other words, people are not gaming the system, and that is a good thing. But why make it easier to game the system, especially to play into the hands of those who are here illegally, who use a Social Security number for work purposes and now could use it for this purpose, signing up for SCHIP.

We will have amendments that deal with each of these subjects. The bottom line is, we should get back to dealing with this subject in a way in which both Democrats and Republicans can have input into the bill and actually solve some of the problems. I know some of my Democratic colleagues were interested in this eligibility issue because they don't want a lot of people getting benefits who aren't entitled. It will only hurt those who are entitled. We need to have strong eligibility requirements.

We don't want to begin to expand this program to people who are not citizens of the United States and who have a contract with the United States when they come here as our guests, either on a temporary basis or on a green card. They understand their obligations when they come here. One of their responsibilities is not to begin to receive benefits of this kind from the taxpaying American citizen.

For these four reasons, I hope that when this legislation comes before us, we are able to not only amend the bill, work to amend the bill, but will actually have amendments adopted and that we can improve the legislation so that we can all be proud to support it at the end of the day. If not, an awful lot of Republicans, including myself, will not be able to support the legislation.

The PRESIDING OFFICER. The Senator from Florida is recognized.

GEITHNER NOMINATION

Mr. NELSON of Florida. Madam President, we all know because of what we have seen in our various States that our people are hurting; they are losing their homes; they are losing their jobs; they are falling behind in their mortgages; They are losing their businesses; and they are losing their life savings.

Now, we clearly have the mandate that, if it is humanly possible, we need to turn this economy around. So the people of this country are expecting to see us take some real action—real action—on trying to turn this economy around. We, in this position, representing our States, are very privileged to have the public's trust and the responsibility that comes with that

trust. Part of that responsibility means when there is a problem, we have to shine light on the problem and find out what it is.

Take, for example, what we have seen recently on the Wall Street greed, when you have a former Merrill Lynch executive spending almost a million and a half dollars on his office renovations while his company was forcing layoffs as well as having huge losses and while the company that was acquired—his company—was asking for billions of dollars, and receiving it, from the public moneys. Well, there is obviously a problem.

A number of us have filed legislation that is going to try to get at this issue. Even with this being put in the law, a new law saying none of this bailout money can be used for office renovations and political contributions or to go off on all these extravagant conferences or for corporate aircraft or for entertainment and holiday parties or for executive bonuses—all of these things that have come forth when the light of day is shone on them, having so enraged our people and our constituents—well, even if we get this into the law—and I hope we will be able to pass this legislation a number of us have filed—it is still going to take the administration riding herd on this issue every day, and that means primarily the Secretary of the Treasury.

We are going to be voting on the confirmation of the Secretary of the Treasury at 6 o'clock today. It is this Senator's intention to vote for Timothy Geithner. But what is it going to take to get Wall Street's attention and to restore the American family's quality of life? It is going to take real accountability. That means the next Secretary of the Treasury is going to have to ride herd and, when he appoints an accountability board, to make sure that board is meeting—like the last Secretary of the Treasury did not. They did not meet once to see how that first tranche of \$350 billion of the bailout money was being spent—not once.

So I come from the sunshine State. We believe in letting the sun shine in. This means not getting ahead of ourselves when Wall Street comes crying that one of their unregulated financial schemes threatens to destroy our way of life, and then turns around and throws some party on some Caribbean island. It means putting in place regulations with the right carrots and sticks so we are not gambling with our country's future.

So as we are about to confirm the next Secretary of the Treasury, there is not a more important mandate than for him to crack the whip and make sure this Federal money, this public money, this taxpayer money, is being spent as it was intended, and holding people accountable, and reporting the results. If we do not get the accountability and the transparency, if we do not get what we expect from the banks that willingly accept this money, then we should demand the public's money back.

I have spoken personally to the nominee, and he has said—and I want to quote him—"I completely get it." So I am assuming he is going to be confirmed today. I will vote for him. I expect swift action to back up these words. The American people expect swift action by all of us to bring Wall Street and this economy back in line. We do not have any time to waste. There is simply too much at stake.

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.

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

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

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

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

ISSUES FACING AMERICA

Mr. DURBIN. Madam President, this is the first full week of our new administration, and many of us sense things have changed for the better, and we are hopeful. We can't assume anything because there is a lot of hard work ahead, and we are going to have to try everything we can to resolve some of the major issues that face our country that we can address in the Senate.

We were successful last week, in passing with 61 votes—bipartisan roll-call—the Lilly Ledbetter legislation. This was a bill which tried to cure a problem created by a Supreme Court decision that was questioned about whether women should be entitled to equal pay for equal work. Lilly Ledbetter, after 15 or 16 years working at a tire company in Alabama, discovered that within her job classification men were being paid more than she as a woman. She did not discover this until she was about to retire. So she filed a lawsuit and the Supreme Court across the street reached a conclusion which no other court had reached and said Ms. Ledbetter could not recover because she didn't report the first discriminatory paycheck paid to her in—I think it was 180 days. Her answer, which most people who work in the private sector would say, is, How am I supposed to know what the fellow next to me is getting in his paycheck? They don't publish these things. So when she did discover it and filed it, they said she was too late.

So we changed the law so, if there is discrimination, a person will have their day in court. They will have a fair hearing. The reasonable attempts to discover the information are enough. The Supreme Court standard was unreasonable. So that is the first thing we will pass, sending that to our new President, President Obama. It is a bill which we considered before under

President Bush but did not have the votes to pass before. So now a bipartisan group is sending it to the President.

This week we are on a new issue, and the new issue is another matter that has come before us in previous Congresses and is returning. It is the Children's Health Insurance Program. This was a program that was started back in 1997 under President Clinton and a Republican Congress. The object was a good one.

We know across America there are some 15 million children who are uninsured, and we need to find a way to bring them insurance. If these children are in the poorest families in America, we take care of them. The Medicaid Program for the poorest kids in America provides for these children. However, if they are not among the poorest and their parents are not lucky enough to have health insurance, they fall right in the middle.

Here are kids whose parents get up and go to work every day where the work does not provide health insurance. So we said to the States: We will give you a special deal because we think it is important for America to provide health insurance for as many kids as possible. What we will do is give you more Federal funds than usual as an incentive to bring these kids in, get them insured.

The States got involved, and it has been a success. More and more kids have been brought into the program. In my State of Illinois, about 65 percent of the cost is paid by the Federal Government, 35 percent by the State. So whenever a Governor comes up with an idea to bring more kids in, that Governor knows he has to put the money on the table, at least 35 percent of the cost, to bring in more kids.

Unfortunately, the program was expiring and many of the kids had not been reached. Currently, we have 9 million children under the age of 18 who are uninsured and 6 million of them are eligible for CHIP and a combination with Medicaid. We wanted to try to bring up this number. It costs money because we are putting Federal money into it. So we said: What is a reasonable way to pay for it? It happens to be a way I voted for consistently and that is raising the tax on tobacco products.

Some people may see this a little differently, but, by and large, I know, and our life experience proves, that when the cost of tobacco products goes up, fewer kids will buy them. If we can stop a kid from starting to smoke before the age of 18, there is a better than 50-50 chance they never will smoke. Expensive products with the taxes that are imposed discourage kids from buying them and provide the revenue for this program. So the 61-cent new Federal tax was going to be used to provide health insurance for kids.

I think it is a fair tradeoff. I will vote for that proposal. I have voted for it. We passed the bill twice and sent it to President Bush. He vetoed it both times. So now it is coming back.

We are going to consider this bill in this week's debate. I have had reports about my Republican colleagues who have come to the floor critical of this bill. It is their right to oppose it. I have opposed bills they supported in the past. That is what the Senate is all about. But I would like to address each of the arguments they are making.

First, there is no doubt in my mind this is important. How important is it for a parent to know their kids have access to a doctor? I think it is one of the most important things. If you have ever had a sick child, particularly one who needed care, it breaks your heart to know you cannot take them to the best doctor or hospital, maybe not to any doctor or hospital.

We all know that if you can reach a child with a problem such as asthma at an early age and start treating the child, it is less likely that child will have serious problems later on.

Most of us understand intuitively that providing health insurance for kids is not only compassionate, it is the smart thing to do. Those kids are more likely to be healthy. They are more likely to go to school and not be absentees. They are more likely to grow up to be healthy adults. That is a pretty good outcome for this country.

The opposite is true as well. Without health care, these kids may have little problems that grow into big problems. They will start missing school, and they may become chronically ill at a point where they become extremely expensive, not to mention compromising their quality of life.

So here we are trying to expand the Children's Health Insurance Program, and the argument on the other side is we should not do it, at least not the way we have proposed.

I think it is priority. I am glad President Obama has asked us to send him this bill as quickly as we can. I want to get these kids covered. The sooner we do, the better for them and their families and the better for our country.

We know when this policy was instituted 10 years ago, more and more kids received the basic care that people want them to receive.

There are some other considerations too. Here is how we define "eligibility." We say that if you are no higher than 200 percent of what we call the poverty income, then your kids are eligible. What does that mean? It is about \$42,000 a year in income. Then we say to the States: If you want to expand that to a higher level, up to 300 percent, a family income of \$63,000—each State has that option, but if you expand it, you have to put State money on the table. You do not get this free.

Some of the Republicans and columnist George Will have argued we are being too generous, that we are providing health insurance to families who ought to be able to pay for it themselves. I disagree, and I think some people making this argument are out of touch with what these families face.

Imagine if you are a family making \$42,000 a year, and by way of specula-

tion, most people pay about 40 percent of their gross pay in FICA and taxes. So you are likely to see about \$26,000 a year in take-home pay out of \$42,000—maybe a little bit more but \$26,000. That comes out to a little more than \$2,000 a month to live on for everything—for your mortgage or rent, your utilities, putting gas in the car, automobile insurance, food, clothing—the list goes on. A little more than \$2,000 a month.

I have a niece who is a part-time worker. She works here and there where she can. She is a mother whose child is now an adult. I asked her recently: Paula, what do you pay? What would you pay for health insurance?

She said: It is \$400 a month. That is what they quote me. She said: I can't pay that. And I understand why she cannot pay it.

If we use that as a hypothetical figure, \$400 a month, out of a take-home pay of \$2,000 or \$2,200 a month, that is a big piece of the paycheck. So to help these people with children's health insurance, at least to cover their kids, is not unreasonable. It is not like we are giving a subsidy to rich people.

Elizabeth Warren is a Harvard professor of law whom I respect. She may be one of the best speakers for consumers, particularly middle-income consumers, across America. She took a look at people making about \$49,000 a year, smack dab in the middle of the middle class, and what happened to them over the last 8 years. What she found was their income did not keep pace with the cost of inflation. We know that is true. People were not getting paycheck increases to keep up with the cost of living.

She calculated that between 2000 and 2007, these people lost about \$1,100 because the cost of living went up and their paychecks did not go up. Food costs were up \$205; telephone bills \$142; appliance costs, gas bills—the list goes on and on, including mortgage payments, gasoline, and childcare costs.

It turned out those people smack dab in the middle of the middle class, making what middle-income families made at \$49,000 a year, had actually fallen behind over 7 years by \$5,000.

The point I am getting to is this: I think it is hard for us as Members of the Senate who get paid pretty nicely, I might add, and have some benefits to go with it, to stand here and say, if you have \$42,000 coming in, even if you have \$63,000 gross pay coming in, you don't need any help in paying for health insurance. That is not true. I don't think it is accurate.

This program should be in a position where it can look at families and say: We will give you a helping hand to make sure your kids are covered. That is reasonable.

So as to needing the program, we certainly need it with 9 million uninsured kids under the age of 18. Whom it should reach: Certainly people making \$42,000 a year gross income are not wealthy or not well off, even up to

\$63,000, 300 percent of poverty. It is hard to imagine they have so much money that they couldn't use a helping hand with health insurance.

The final point that is made is a tougher one, and it is one we are going to be debating this week. Here is what it comes down to: Should we cover the children of people who are in the United States legally but not citizens for the first 5 years they are here? We have had this debate back and forth for 10 or 12 years. We have decided from time to time to extend food stamps to these people legally here but not citizens. The question is: Should their children receive health insurance coverage if they are legally in the United States?

There will be some who will argue: No, don't do it. I am not one of those people. I honestly believe America is not better off with sick children. I do not believe we should be naive enough to think a sick child, who happens to be an American citizen sitting in the classroom with your own child, is not going to spread the germs, is not going to have problems that could reach other kids. I guess this betrays my own personal values. I would much rather see these kids healthy and given a chance. Yes, it is going to add some costs, but they are legally here. We are not talking about undocumented people. They are legally here, and they are in the status of on the way to citizenship or at least temporarily legal in the United States.

That is an issue we will debate. This law does not require them to be covered. Each Governor has to decide. It is the State's decision. If the States don't want to cover them, that is their decision.

These folks are likely to become tomorrow's citizens. Census data shows most immigrants who enter the United States when they are children become U.S. citizens. These are the children who will grow up to be the adults we need to be in our workforce and to be productive citizens, people who will make contributions to the U.S. economy, pay their taxes, start businesses, serve in the military, and participate in America's civic life.

There are 18,000 legal immigrant children in my home State of Illinois. These are future adults who will go to school, make a career, and create families. How can we continue to support a policy that says to our future American citizens: You have to wait 5 years to see a doctor, to get your immunizations, to feel better. No child should have to wait 5 years for health care. Five years can be a lifetime to a little boy or girl.

In the 5-year waiting period, we may miss an opportunity to diagnose and treat asthma, autism, hearing impairments, or vision problems. These are conditions that may have lifelong consequences for a child's health, educational attainment, and well-being.

Our country is better than that. We will debate these amendments, as we

should. That is what the Senate is about: deliberation, votes, and resolution of issues. Then I believe we will send this Children's Health Insurance Program to President Obama. Despite the two vetoes by President Bush, we are going to extend this program because our vision of America was articulated by President Obama at the beginning of his campaign. He used to talk—in fact, he spoke this way when he was a Senator from Illinois and even a candidate for the senate in Illinois—that the misfortune of a child in East St. Louis had an impact on his life in Chicago; the misfortune and lack of education of a child on the south side of Chicago affects people living in better-off suburbs.

Bottom line, in a few words, we are in this together. If we improve the quality of life for our children, give them a fighting chance to be healthy and well educated, to become participants in America, we will be a better nation. To turn our back on them, to shun and push aside millions of kids, for whatever reason, is not good for our country in the long run. It is not the value system we are all about.

We provide foreign aid, and I support that, to countries around the world to help kids who may never set foot in the United States. We do it because we are caring people. Shouldn't our care be extended first to our own children to make sure they have basic health insurance?

I am looking forward to this debate. I hope it is the beginning of a good debate and a good outcome and that this bill will be sent to President Obama, who will have a chance to sign it into law to give these kids a fighting chance for decent health care.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF TIMOTHY F. GEITHNER TO BE SECRETARY OF TREASURY

The PRESIDING OFFICER. Under the previous order, the Senate shall proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read as follows:

Department of Treasury, Timothy F. Geithner, of New York, to be Secretary of the Treasury.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I rise today to express my support for the confirmation of Timothy Geithner as President Obama's choice as Secretary of the Treasury. I am aware this nominee is not free of controversy. My office has received many calls from Utahns who are concerned about Mr. Geithner's admitted errors in initially failing to report and pay his own self-employment tax. Many of them brought up the valid point that the Secretary of the Treasury, the person who is ultimately in charge of collecting taxes from all Americans and who oversees the Internal Revenue Service, should be beyond reproach in his own tax filings. Many of our colleagues on both sides of the aisle are also uneasy about this problem. I understand and I share this concern.

The Senate has a solemn responsibility in confirming key officials in the executive branch, and the Treasury Secretary is among the very most important roles in the administration, both historically and particularly at this critical time. My guiding principle for approving the President's nominees has always been that the President, as chief executive of the Nation, should be entitled to the person he or she chooses, and that the Senate has an obligation to confirm those choices except in cases where it is obvious the nominee is either incompetent, corrupt, or unethical. While not all my colleagues share this view, I believe it is the correct one, and that it helps us stay above the petty partisanship that sometimes enters into these nomination processes and harms the effectiveness of our Government.

Upon careful examination of this nominee, it is obvious that Timothy Geithner is neither incompetent nor corrupt, and certainly not unethical, and that he should be confirmed as Secretary of the Treasury. I have reached this decision after weighing the facts of his tax situation with his impressive education, experience, and intelligence, and keeping in mind the desperate financial crisis currently facing this country.

In announcing this conclusion, I believe I owe it to the people of Utah to explain that I view Timothy Geithner's tax issue as a very serious matter. He is the top tax officer in the United States of America and, I might add, next to the President himself, is the person who bears the ultimate responsibility for collecting the revenue this Nation needs in order to operate. As such, the Treasury Secretary must be an example to all Americans in tax and financial issues, and any shortcomings in this area can be an impediment to effective tax compliance. The fact Mr. Geithner has had this issue arise, and that he admitted committing serious oversights on several of his tax returns, is indeed regrettable. It has marred an otherwise singularly outstanding nominee's record and has