

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—55

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (NE)
Bennett	Enzi	Roberts
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Snowe
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Landrieu	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	
DeWine	McCain	

NAYS—43

Akaka	Durbin	Menendez
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Salazar
Chafee	Kohl	Sarbanes
Clinton	Lautenberg	Schumer
Conrad	Leahy	Stabenow
Dayton	Levin	Wyden
Dodd	Lieberman	
Dorgan	Lincoln	

NOT VOTING—2

Rockefeller Specter

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. MCCONNELL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Hawaii for his kindness.

I want to thank everybody who has been involved in the debate on small business over the last several days. I thank Senator NELSON for the hours he and his staff put in working with me on this bill, along with Senator BURNS and his staff. I have said several times that our staffs worked in the same room with the same people from the different coalitions, including the insur-

ance companies and the insurance commissioners, for so long that I thought some of them must be related. I really wasn't sure which ones were from whose staff anymore, either, because they were all working this important issue together. Obviously, we have some more work to do, but I am pleased with the vote we got.

I am disappointed that we didn't get the 60 and couldn't continue the debate right now, that we couldn't have amendments right now and for the next several days, resulting in a vote-arama that would have put the best possible face on it that we could from the Senate. I talked to Senator KENNEDY before and promised I would preconference it with the House before we did anything because this is a very critical bill. But this is the first time the Senate has gotten it to a cloture vote. We will only get it to cloture by working with people and getting some agreement. I am hoping we can bring this back up yet this year. I know there are small businesses that are going to be asking, pleading, begging that it be brought up again this year. Perhaps we can work some changes in the meantime that might make a difference and get us over that 60-vote margin. It is a little tougher in the Senate to pass than in the House because they only have to have a mere majority. We have to have that 60 percent which is a little bit tougher.

Senator KENNEDY and I have worked together on a lot of bills. I appreciate the courtesy he gave in committee. We had 68 amendments. We finished the work in two half days. That is probably a record around here for any committee which does show some cooperation. I am just sorry we didn't get to do the amendments like we did in committee, probably many of the same ones we had in committee. I guess my strategy was that those votes might put it over the top here and bring a few people in. I didn't know there would be such strong resentment built up by this time.

Of course, I am extremely disappointed with the cancer society and the diabetes society because I have never seen a letter that said, I don't care what you do, vote against this bill. That means if we had done the Cadillac of diabetes care and put it in the bill, they were still suggesting that people vote against it. That is unconscionable on behalf of the people that have diabetes or the people who have cancer. Both letters said the same thing. It was truly a disappointment to me.

I know some opposition was built for this bill. The insurance companies said they would be neutral. I noticed there was a little unneutrality there. But the small businessmen will be coming to town. They will be talking to people and expecting us to do something. I hope we can continue to do so.

There are a whole list of people I need to thank, but I will defer for the moment for some others to speak and come back and do that later.

I appreciate the fact that we were able to have a cloture vote.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see the principal cosponsor on his feet. If he might indulge me for a moment, I want to give assurance to the small businesses and families of this country, we are not going away. We are all very strongly committed to getting decent, quality health care for all Americans. Today, we avoided taking a step backward. But we have heard the very eloquent statement of the Senator, my friend from Wyoming, who said he believes we missed an important opportunity to step forward. What I hope Americans will understand is that we have worked very closely together. We are committed to working closely together. We are going to try to find common ground in this area.

I again thank Senator ENZI for his leadership on health issues. I look forward to trying to find common ground on health care and other areas. I am grateful to him for all his courtesies.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank the distinguished cochair of the committee for his courtesies.

Naturally, I am disappointed with the outcome of the vote. Instead of thinking of it as a setback, I want to think of it as a step forward, because it is the first time since I came to the Senate that we have had a serious debate about the accessibility and affordability of health care for small businesses.

I thank Senator ENZI for his great work. It has been a pleasure working directly with him. Not only is he tireless, he certainly is willing to listen to other people and has shown a great capacity to listen and to act on good advice. I thank him for that. He was able to bring together groups that had been on opposing sides for years. Through his leadership, this bill was brought to the floor.

I also thank his staff. I appreciate all the assistance they have given me as we have developed this legislation. They are true professionals: Steve Northrup and Andrew Patzman have devoted hours to researching and drafting the legislation and have so diligently reached out to my side of the aisle for suggestions, I now think of them as my satellite staff.

I also thank Katherine McGuire, who has been instrumental in guiding us through this process, and Brittany Moore, who has coordinated all of our information.

Particularly, I thank Senator KENNEDY for his gracious and agreeable manner in disagreeing on the substance of an issue. It is typical of his approach to the Senate. Especially I thank his staff: David Bowen, Stacey Sachs, and Brian Hickey from the Democratic Policy Committee. They have kept us on our toes.

The staff of the leadership offices also has been helpful. I thank Jay Khosla, a newcomer, and Liz Hall, a veteran, for their help. And particularly I thank my staff, both Kim Zimmerman and Amy Tejral, and others who have worked so hard to get us to this point.

Even though not all of my colleagues on this side of the aisle agree that this bill is the right answer for small businesses, I know and respect the fact that they want to find a solution. We all in the Senate want to find a solution, something that will deal with the availability and affordability of health care for small businesses and their employees. I am tonight encouraged that with this discussion, we will be able to move together and work together to find a common solution. Sometimes right after disagreement, there is a solution that is achieved.

I thank my colleagues on this side of the aisle for their willingness to listen and my friends for their votes.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Mr. President, let me join in thanking all Members who have been engaged in the debate. Although it did not result in the passage of a bill, I hope we did make progress.

First, let me congratulate again Senator ENZI for showing the courage to bring this matter to the floor. Very few Senators have done that. He did not succeed at this moment, but I believe his determination and the respect we all have for him will lead to a victory at another day, and I hope to be part of it. He showed himself to be genuine, committed to this issue. The small businesses who have entrusted him with this assignment couldn't have picked a better Senator. I would say the same for my colleague from Nebraska, Mr. NELSON. His knowledge extends back to his tenure as insurance commissioner as well as Governor. He certainly understands this issue better than most. I thank both of them for the personal commitment they made to this issue.

I also thank my colleague Senator BLANCHE LINCOLN. She and I worked together on this bill, and I couldn't have had a better partner. BLANCHE is down to earth. She understands these complicated issues and explains them the way the average person can understand them.

This is a matter I have been thinking about for a long time. I didn't come up with this notion in just the last few weeks. In fact, it has been months now since I invited Senator ENZI and many others to come to my office and listen as we explained what our concept was in hopes that we might work toward common ground. We weren't able to do that this time, but I hope we will the next time. I genuinely hope that those who want to engage in this important debate will have a similar starting point to our bill.

The first and obvious question that anyone should ask is: Senator, why do

you propose health insurance for the rest of America that you wouldn't buy yourself? The health insurance we have as Members of Congress is the same health insurance Federal employees have, 8 million of them nationwide. My dream was to take that kind of group of 8 million diverse people who work for small businesses and create the same mechanism, the same pool so they could enjoy the same protection, the same benefits I have and my family has and the Members of the Senate have. If this health insurance is good enough for a Member of Congress, it is good enough for any American family. It should be our starting point.

Senator ENZI raised an important question. Why did so many health groups oppose his legislation? Some of them stridently opposed it. He mentioned two, the American Cancer Society, the American Diabetes Association. The reason they felt so strongly was that the legislation proposed on the other side eliminated the protections being offered by States for important cancer screening, for mental health care. Some 42 States cover mental illness, and the Enzi bill would have eliminated that coverage. When it comes to diabetes, it is true that at some point he could have offered diabetes coverage, but they are concerned that if this is a moving target, it could change tomorrow. That is why we have to get back to where we are as Senators, Congressmen, and Federal employees. We know what we are going to have. We know our protection. We can buy it. Shouldn't every American have that confidence and that peace of mind?

That is the starting point. The starting point is not reducing the protections and guarantees in coverage to such a low level that it leaves families exposed to medical ruin if the bills go too high. We should strike a balance which says that these preventive procedures, these screening procedures, this basic health insurance is what every American should have. It is much like a minimum wage. What we are talking about is the minimum guarantees of health insurance across America.

I know there are some things that are too expensive for us ever to cover in every health insurance plan, and we wouldn't suggest those. But if we have coverage for 8 million Federal employees with basic protection, why wouldn't we offer that to every American family? That should be our starting point. Then let's figure how we can work together with small business and with the health community to strike the right balance so the bill we produce will be one of which we will be proud.

Again, I thank Senator ENZI. I didn't believe we would ever have this debate on the Senate floor. I had almost given up hope. But because of his dogged determination, his skill and dedication, he brought us together for this week. It is not the end of the debate. I believe it is the beginning. I hope it ends with passage of a bill for small businesses

across America and will bring us closer to the goal of universal health insurance coverage for every single American. I think we can achieve that goal if we work together in a bipartisan fashion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I had intended to present a list of people who worked for me, but a question was asked. I assume it was rhetorical, but I can't let it pass. The question—to me, I assume—was, why offer what you wouldn't buy for yourself for others?

If I were in small business—and I was—and I was faced with rising health costs—and I was—I would have been happy to have been able to buy this insurance for my employees. There is a whole different level of living out there. It is called small business. We usually think if you are in small business, you are making lots of money. A lot of times the employees are making more than the bosses. The bosses buy insurance because that is how they insure their family and they get a group. That helps them, too. But when you have a group, that means that the people in the group get exactly the same insurance you do. You don't get the same package as the Senate.

I will admit that the Senate has a pretty nice package. I would also like to tell you, though, that when I was in small business, when I was in the accounting business, I had a better package than I have in the Senate. So it is available out there. It costs a lot of money. I was trying to find some way to bring that cost down.

On your bill that you would have liked for everybody in America to have—the same thing as the Federal employees—it didn't get there. I would have been happy to have had a vote on that and had that debate. I offered you that opportunity. I wish you would have taken me up on it. We would have had cloture. We would have had a vote on your bill, and we would have had a vote on my bill. That is all it took. It just took a few more votes and we would have had the 60, and small business would have had some resolution tonight that they are not going to have.

You have to remember that everybody isn't living at the same level out there, and we have to watch out for those small businessmen because they are the ones who are taking care of the backbone needs of this country every single day.

I apologize for going on with a little bit more debate. I thank the Senator from Hawaii. I do need to express some thanks because there are a couple people here that are on this list that I have to keep away from ledges and high buildings yet tonight. They have devoted their life for about the last year and 5 months to this, every day that they possibly could, and through the nights and the weekends, and we came up with this bill, working with

some unusual groups. I particularly have to thank Andrew Patzman for his patience, ingenuity, capability, and his constant work. Of course, Steve Northrop probably helped a lot on that because he has a fine sense of humor and an extremely quick wit. That helped us out in a lot of those situations where we were trying to pull everything together after a long time.

I thank Katherine McGuire, who is the director of the Health, Education, Labor and Pensions Committee. While we are doing this, we are also trying to do the pensions conference and a whole bunch of other things. I don't know of anybody who has the capability that she has to juggle as many things at one time as she does and still do a great job of being a mother. I have some really good people.

I could go through a whole list and mention Flip McConaughy, my Chief of Staff, who held everything together for all of the Wyoming issues and my Wyoming staff. I will just mention some of these other people more quickly. The same kind of thanks to them, and I know what they have done to help out. Brittany, Tod Spangler, Craig Orfield, Ryan Taylor; and then from Senator GREGG's staff, Conwell Smith and David Fisher; from Senator TALENT's staff, Faith Cristol; from Senator SNOWE's staff, Alex Hecht and Wes Coulam; from Senator BEN NELSON's staff, Kim Zimmerman and Amy Terrell; from Senator ISAKSON's staff, Brittany Espy; from Senator HATCH's staff, Pattie DeLoatche and Roger Johns; from legislative counsel, Bill Baird has just done tremendous work with us; from Senator FRIST's staff, the leader, Elizabeth Hall and May Khosla and Charlotte Ivancic; from Senator ENSIGN's staff, Michelle Spence; from Senator MCCONNELL's staff, Scott Raab and Laura Pemberton; from Senator BURR's staff, Jenny Hansen; from Senator ALEXANDER's staff, Page Kranbuhl; from Senator ROBERTS' staff, Jennifer Swenson; from Senator DEWINE's staff, Melissa Atkinson and Karla Carpenter.

That is a whole group of people who have spent days, nights, and weekends working on this bill and making it possible to put together what we have.

I know they are dedicated to it and they will continue to work and we will work across the aisle and look forward to getting something done for small business. I know small business will be asking—perhaps even demanding—but there is a need out there. I hope everybody will recognize that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

Mr. AKAKA. Mr. President, I rise once again to discuss legislation I have introduced to extend the federal policy of self-governance and self-determination to Hawaii's indigenous peoples. S.

147 would provide parity in the federal policies towards indigenous peoples in the 50 states, to include American Indians, Alaska Natives, and Native Hawaiians.

To understand the importance of this legislation, one must understand Hawaii's history. Despite the fact that the Congress passed P.L. 103-150, the Apology Resolution, which recites Hawaii's history, many of my colleagues are unaware of our history. Let me provide some context of what we have experienced so that you might better understand the importance of this bill to my state.

Captain James Cook landed in Hawaii in 1778. Prior to Western contact, Native Hawaiians lived in an advanced society that was steeped in science. Native Hawaiians honored their land and environment, and therefore developed methods of irrigation, agriculture, aquaculture, navigation, medicine, fishing and other forms of subsistence whereby the land and sea were efficiently used without waste or damage. Respect for the environment and for others formed the basis of their culture and tradition.

The immediate and brutal decline of the Native Hawaiian population was the most obvious result of contact with the West. Between Cook's arrival and 1820, disease, famine, and war killed more than half of the Native Hawaiian population. This devastating population loss was accompanied by cultural, economic, and psychological destruction.

By the middle of the 19th century, the islands' small non-native population had come to wield an influence far in excess of its size. Westerners sought to limit the absolute power of the Hawaiian king over their legal rights and to implement property law so that they could accumulate and control land.

The mutual interests of Americans living in Hawaii and the United States became increasingly clear as the 19th century progressed. American merchants and planters in Hawaii wanted access to mainland markets and protection from European and Asian domination. The United States developed a military and economic interest in placing Hawaii within its sphere of influence. In 1826, the United States and Hawaii entered into the first of the four treaties the two nations signed during the 19th century.

The Kingdom of Hawaii, which began in 1810 under the leadership of King Kamehameha the first, continued until 1893 when it was overthrown with the help of the United States. The overthrow of the Kingdom is easily the most poignant part of Hawaii's history. Opponents of the bill have characterized the overthrow as the fault of Hawaii's last reigning monarch, Queen Lili'uokalani. Nothing could be further from the truth.

America's already ascendant political influence in Hawaii was heightened by the prolonged sugar boom.

Sugar planters were eager to eliminate the United States' tariff on their exports to California and Oregon. The 1875 Convention on Commercial Reciprocity, eliminated the American tariff on sugar from Hawaii and virtually all tariffs that Hawaii had placed on American products. It also prohibited Hawaii from giving political, economic, or territorial preferences to any other foreign power. It also provided the United States with the right to establish a military base at Pearl Harbor.

The business community, backed by the non-native military group, the Honolulu Rifles, forced the prime minister's resignation and the enactment of a new constitution. The new constitution—often referred to as the Bayonet Constitution—reduced the King to a figure of minor importance. It extended the right to vote to Western males whether or not they were citizens of the Hawaiian Kingdom. It disenfranchised almost all native voters by giving only residents with a specified income level or amount of property, the right to vote for members of the House of Nobles. The representatives of propertied Westerners took control of the legislature. The Bayonet constitution has been characterized as bringing democracy to Hawaii by opponents to S. 147. The constitution was not about democracy—it was about a shift in power to business owners from natives.

On January 14, 1893, the Queen was prepared to promulgate a new constitution, restoring the sovereign's control over the House of Nobles and limiting the franchise to Hawaiian subjects. She was, however, forced to withdraw her proposed constitution. Despite the Queen's apparent acquiescence, a Committee of Public Safety was formed to overthrow the Kingdom.

On January 16, 1893, at the order of U.S. Minister John Stevens, American Marines marched through Honolulu, to a building known as Arion Hall, located near both the government building and the Hawaiian palace. The next day, local revolutionaries seized the government building and demanded that Queen Lili'uokalani abdicate. Stevens immediately recognized the rebels' provisional government and placed it under the United States' protection.

I was deeply saddened by allegations made by opponents of this legislation that the overthrow was done to maintain democratic principles over a despotic monarch. As you can tell by the history I just shared, our Queen was trying to restore the Kingdom to its native peoples after Western influence had so greatly diminished the rights of the native peoples in Hawaii. Colleagues, I want to ensure that you understand our true history and the bravery and courage of our Queen, who abdicated her throne after seeing U.S. Marines marching through the streets of Honolulu. She did so to save her people.

Mr. President, I also want to discuss the diversity of Hawaii's people. As I've