STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG (for himself and Mr. SUNUNU):

S. 3279. A bill to provide funding for the Low-Income Home Energy Assistance Program, and to amend the Internal Revenue Code of 1986 to deny the deduction for income attributable to domestic production of oil, gas, or primary products thereof for major integrated oil companies; to the Committee on Finance.

Mr. GREGG. I want to talk about the specific reason I have come to the floor, which is to talk about the fear, quite honestly, in colder States in this country about how we are going to get through the winter. The price of home heating oil, which is the dominant form of energy in our State, the way people keep their houses warm and habitable in the winter, has tripled. People who are working for a living, and low-income individuals, have no idea how they are going to meet the cost of their energy bill this winter. It is going to overwhelm us as a region. We need to do something about it. There are a couple of levels where we need to act. We do need to increase significantly the funding for low-income energy assistance. This is a crisis. The simple fact is we should increase that funding.

At the same time, we do need to do that in a responsible way, by paying for that increase in funding so we do not end up putting the cost of buying energy to heat homes today on our children and our children's children tomorrow. That is not fair to them. So we ought to come forward with a proposal. What I am going to do today is introduce a bill which increases home heating oil assistance by $2.5 billion, which will double that program, but pays for it in a reasonable way, essentially by repealing the section 199 regulation that gives certain deductions to energy production companies which they no longer need with oil being at $130 a barrel.

It is a significant increase in funding. It is a level that Senator SANDERS has introduced in a bill, freestanding, that is not paid for, which I have also cosponsored, because I hope when that bill comes forward, I will be able to offer my pay-fors to it. But it is the number we need and we clearly have to have in order to have any chance this winter of making sure that low-income people in New Hampshire and throughout the Northeast and the country can survive this winter in a reasonable way.

Secondly, we need to address the issue of middle-income Americans, people in New Hampshire who are working for a living and who do not meet these low-income thresholds, who have an equal amount of fear about how they are going to pay for the energy to heat their home, when they see the cost of their energy bill double or triple or maybe even quadruple.

I hope to have next week a tax credit that will be available to those working families who are of moderate income, who have an income which they cannot adjust enough in order to be able to absorb the huge cost of this event of the runup in the cost of energy. I hope to be able to introduce that in the near future. But today I am introducing this bill, which increases home heating assistance, the LIHEAP program, by $2.5 billion and pays for it, which is the responsible way to do it. In addition, I am strongly supporting Senate initiatives which will increase our commitment to the production as a nation and conservation. Because by doing that, we will draw down, we will significantly reduce the price of gasoline and the price of oil in our country. Because that speculation, which is legitimate, which is based off the projected demands and the lack of supply, will adjust to the fact that greater supply is going to come into the market. That will reduce the forces which are forcing the price demands up and as a result have a positive impact on reducing the cost of a barrel of oil.

We need to do a lot around here. We do need to address speculation when it is there and when it is inappropriate and when it is driving up the price in an arbitrary and unfair way. We also need to address the issue of more production and create more production. We are looking for energy where we can do it safely and energy efficiently and also in an environmentally sound way, such as offshore or with oil shale.

We have more oil shale reserves than Saudi Arabia—three times Saudi Arabia's reserves we have in three States: Wyoming, Idaho, and Colorado. And we should not be sending our hard-earned money to countries, which in many instances do not even like us to purchase their oil products. We should be buying it here in the United States where we can produce it. In addition, of course, we need to aggressively pursue a course of conservation and renewables.

I wish to note that the title of this bill is the Home Energy Assistance Today Act, or HEAT. Obviously, the purpose of this bill is to make it possible for citizens throughout the country, but especially in New England, who are of low income, to be able to heat their homes this winter and to afford the cost of the energy it takes to heat their homes.

By Mr. INHOFE:

S. 3280. A bill to increase refining capacity and the supply of fuel, to open and preserve access to oil and gas, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, I am introducing two pieces of legislation today, S. 3280 and S. 3281. In one bill I join with my colleagues in proposing legislation to open new development in ANWR, offshore, the Rocky Mountain oil shale, and preserves access to development in the Canadian tar sands. It also contains my Gas PRICE Act, which streamlines, implements deadlines, and offers EDA grants to communities to encourage development of refineries involved in coal liquification or coal to liquids processing, renewable fuels, and crude oil and other petroleum products. It also includes accelerated depreciation for cellulosic biofuel plant property for facilities and equipment used to produce switchgrass and other dedicated energy crop seed for the developing cellolosic biofuels industry. Finally, it includes a third title which I am also introducing as a free standing bill, the Drive America on Natural Gas Act.

The Drive America on Natural Gas Act expands RFS Definitions.

The bill expands the definition in the Renewable Fuels Standard to allow the use of CNG and LNG fuels to meet the mandates.

The current corn based ethanol mandate is overly aggressive with mounting questions surrounding ethanol's effects on world food prices, livestock feed prices, its economic sustainability, its transportation and infrastructure needs, its water usage, and numerous other environmental issues.

By broadening the scope of the Renewable Fuels Standard to include natural gas, we encourage the use of a proven, clean, and economical alternative fuel and also make the current RFS mandates achievable.

Additionally, it sends a signal to the Nation's automakers and fuels industries that natural gas is a competitive option as a mainstream transportation fuel.

GM, Ford, and Chrysler already make natural gas powered vehicles, yet they don't sell them in the States. GM alone already makes 18 different NGV models. But, Honda is the only current manufacturer which sells a natural gas vehicle in America—the Honda Civic GX.

Broadening the RFS will encourage more auto manufacturers to sell these vehicles domestically which will help our struggling auto manufacturing industry.

The bill broadens the Alternative Vehicle Tax Credit to include bi-fuel vehicles.

Currently only ''dedicated'' vehicles or vehicles which solely run on natural gas qualify for this credit. This narrow definition actually discourages the sale of bi-fuel vehicles—those which can run on both conventional fuels and natural gas fuels.

Americans need the flexibility to use conventional gasoline as a back-up if there are no natural gas refueling stations in a given area.

By encouraging bi-fuel natural gas vehicles, less gasoline and diesel would be consumed. How?

Today, the largest hurdle facing the NGV industry is the lack of natural gas refueling stations available to the public. However, a device is now manufactured and sold, called the Phill, which allows a person to fill up their natural gas powered cars at home.

Installed in one's garage, the Phill is connected to a home's natural gas line.

Once plugged into a CNG car, it slowly compresses natural gas into the car's tank.

Similar to the idea of plug-in hybrids, the Phill allows consumers to refuel at home. Unlike plug-in hybrids, this technology is not a few years away—it is here today.

By encouraging bi-fuel vehicles, more Americans will be comfortable purchasing natural gas powered cars which can also run on conventional gasoline for that occasional long distance trip from home.

Expanding the Alternative Vehicle Tax Credit to include bi-fuels will greatly incentivize the use of NGV's and give consumers the flexibility they require.

The bill establishes a Natural Gas Vehicle Research, Development, and Demonstration program.

Several years ago, the Department of Energy had a robust Natural Gas Vehicle Research Development and Demonstration program. This bill once again establishes that program to research, improve and develop the use of natural gas engines and vehicles.

The program will assist manufacturers in emissions certification, will develop and improve nationally recognized safety codes and standards, will examine and improve the reliability and efficiency of natural gas fueling station infrastructure, and will study the use of natural gas engines in hybrid vehicles.

Additionally, it requires the Department of Energy and the EPA to coordinate with the private sector to carry out the program.

The bill directs the EPA to establish a State demonstration program to streamline the regulations and certifications currently required for the conversion of vehicles to natural gas.

Today's regulatory burdens are daunting for those in the business of converting vehicles to run on CNG or LNG. Currently, the EPA imposes virtually the same certification requirements on NGV aftermarket conversion systems as they require on automakers.

Since NGV systems are inherently cleaner than gasoline systems, these regulations impose huge unnecessary costs on these conversion system makers.

This bill directs EPA to establish a State demonstration program to streamline the current certification process for NGV conversions. It also directs EPA to waive unnecessary requirements for the continual recertification of conversion kits and to waive emission certification for conversion of older vehicles.

Most importantly, the Drive America on Natural Gas Act doesn't dictate that consumers, businesses, or States must use natural gas as a transportation fuel.

To the contrary, this bill actually adds more flexibility to the current RFS mandates.

It removes the disincentives for auto manufacturers to produce bi-fuel vehicles.

It streamlines and eliminates the government bureaucracy and red tape on the conversion of vehicles to operate on natural gas.

The Drive America on Natural Gas Act will allow natural gas to compete on its own merits. Americans can ultimately choose whether natural gas powered vehicles are right for their own individual and business needs.

The promise of natural gas as a mainstream transportation fuel is achievable today, not 15 or 20 years from now.

Currently, over 25 different manufacturers produce nearly 100 models of light-, medium- and heavy-duty vehicles and engines for the U.S. market. However, only Honda sells a domestically available CNG car.

Over 10,000 transit buses in the U.S. are natural gas powered and the market is growing; nearly one-in-five new transit buses on order is specified to be natural gas powered.

There are over 7.5 million NGVs on the road worldwide—more than double the number in 2003. The International Association of NGVs forecasts that, by 2020, there will be 65 million NGVs worldwide.

In April, the Department of Energy reported that the average nationwide price of a gallon of gas equivalent of CNG was just $2.04 per gallon.

In some regions of the country prices are even lower—CNG costs in Rocky Mountain states average just a $1.26 per gallon.

Many state and local governments, businesses, and consumers have cut their fuel bills by more than half when utilizing natural gas as a transportation fuel.

In my hometown of Tulsa, OK a person can refuel their CNG powered cars for just 90 cents per gallon. Regular gas currently costs $3.95. That's more than a $3 savings per gallon.

Just last month I was pleased to visit Tom Sewall of Tulsa Natural Gas Technologies, Inc. As a small business owner who installs natural gas refueling stations, he is one of the most knowledgeable and vocal leaders in this growing industry.

America has a huge natural gas supply base. In 13 of the last 14 years, the amount of new natural gas discovered in the U.S. has exceeded the amount that has been extracted.

Raymond James Equity Research recently reported a ''bearish outlook for U.S. natural gas prices.'' After examining the future supply of domestic production, they released a May 19, 2008 energy report which concluded ''we continue to see unprecedented growth in U.S. gas production that will eventually overwhelm the U.S. gas markets.''

Thanks to advancements in oil and gas exploration, drilling, and production technologies, America is producing huge amounts of natural gas from tight shales, coalbed methane and tight gas plays, in areas such as: The Barnett Shale in North Central Texas; the Marcellus and Huron Shales, which run through West Virginia, Pennsylvania, Ohio, and New York; the Haynesville Shale in Northwest Louisiana; the Fayetteville Shale in central Arkansas; the Woodford Shale in southern Oklahoma; the Pinedale Anticline and Jonah field in Wyoming; and the San Juan Basin CoalBed Methane play in northern New Mexico.

These and numerous other emerging gas plays promise to deliver decades of abundant domestic natural gas supply.

From compressed natural gas—CNG—powered cars, to 18-wheelers running on liquefied natural gas—LNG—no other commercially viable fuel burns cleaner.

The American Council for an Energy Efficient Economy has rated the natural gas powered Honda Civic GX as ''America's Greenest Car'' for the past 5 consecutive years—even greener than any available hybrid.

On a well-to-wheels basis, NGVs produce 22 percent less greenhouse gas than comparable diesel vehicles and 29 percent less than gasoline vehicles.

In 2007, NGVs displaced 250 million gallons of petroleum in the U.S. In the next 17 years, the industry's goal is to grow that to 10 billion gallons.

NGVs are the pathway to a hydrogen transportation system. Every NGV fueling station is a potential hydrogen fueling station. Every auto garage or maintenance facility that has been made NGV-compatible can quickly and cheaply be made hydrogen-compatible.

The medium-germ solution to today's gas price crisis is to explore and produce oil from ANWR, the Outer Continental Shelf, the Rocky Mountain oil shales, and preserve our access to the Canadian oil sands. That is why my comprehensive bill includes opening all these areas for exploration, along with a program to increase our refining capacity.

But, in the mean time the best way to bring down the price at the pump immediately is to pass this bill and run more cars on natural gas. Of course, the democrats have objected to increasing supplies of oil and gas for decades. They don't want more supply. There should be no objection from the democrats, and frankly I cannot think of any justification for opposing my Drive America on Natural Gas Act.

By Ms. LANDRIEU:

S. 3285. A bill to ensure that, for each small business participating in the 8(a) business development program that was affected by Hurricane Katrina of 2005 or Hurricane Rita of 2005, the period in which it can participate is extended by 24 months; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on behalf of some of our most in need gulf coast residents. Everyone around the country is familiar with the impact of Hurricanes Katrina and Rita on the New Orleans area and the southwest

part of our State. Images from the devastation following these storms, and the subsequent Federal levee breaks, were transmitted around the country and around the world. This is because Katrina was the deadliest natural disaster in United States history, with 1,800 people killed—1,500 alone in Louisiana. Katrina was also the costliest natural disaster in United States history with over $81.2 billion in damage.

Everyone is familiar with the images and the cost, but they may not be too familiar with the impact on individual businesses. In particular, I am speaking about the affects of Hurricanes Katrina and Rita on minority firms in the gulf coast. As a result of these storms, many minority firms in the gulf coast were disrupted and thus lost valuable time for participating in the 8(a) program. The 8(a) business development initiative, created under the Small Business Administration, helps minority entrepreneurs access Federal contracts and allows companies to be certified for increments of 3 years. These contracts are vital to the revival of these impacted areas. However, as currently structured the program allows businesses to participate for a limited length of time, 9 years, after which they can never reapply nor get back into the program. It is imperative that we provide contracting assistance to our local minority businesses.

Today I am proud to sponsor legislation that will help these businesses recover from the effects of these storms. This bill, the Disadvantaged Business Disaster Eligibility Act would tackle this problem in three important ways. First, the bill extends 8(a) eligibility for program participants in Katrina/Rita-impacted areas in Louisiana, Mississippi, and Alabama by 24 months. Next, the bill would apply to any areas in the state of Louisiana, Mississippi and Alabama that have been designated by the Administrator of the Small Business Administration as a disaster area as a result of Hurricanes Katrina or Rita. Lastly, the bill would require the Administrator of the Small Business Administration to ensure that every small business participating in the 8(a) program before the date of enactment of the act is reviewed and brought into compliance with this Act. This requirement would ensure that any eligible previous 8(a) participants will be allowed back into the program. As such, these key provisions would ensure that these businesses continue to play a vital role in rebuilding their communities. I note that a similar bill has already passed the House of Representatives, with the strong support of the Louisiana House delegation. I would note though that my legislation differs from the House-passed bill in that my bill also covers businesses impacted by Hurricane Rita. While I support the House-passed bill, I feel that we must also cover businesses impacted by Hurricane Rita—particularly those in southwest Louisiana. For this and other reasons, I look forward to championing this bill here in the Senate.

Although recovery has been slow, it is my belief that great progress brings great change. The Small Business Administration has come a long way in correcting its failed practices. Congress recently stepped up and enacted wide-ranging SBA disaster reforms as part of the Farm Bill. I note that many of these reforms, such as the increases in loan limits and collateral requirements, were immediately helpful to disaster victims in the Midwest. It is my sincere hope that we can keep up this momentum by also passing the Disadvantaged Business Disaster Eligibility Act. To these ends, I will work with my colleagues on the Senate Small Business Committee, including Senators KERRY and SNOWE, respectively chair and ranking member of the committee.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Disadvantaged Business Disaster Eligibility Act of 2008''.

SEC. 2. EXTENSION OF PARTICIPATION TERM FOR VICTIMS OF HURRICANE KATRINA OR HURRICANE RITA.

(a) RETROACTIVITY.—If a small business concern (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)), while participating in any program or activity under the authority of paragraph (10) of section 7(j) of the Small Business Act (15 U.S.C. 636(j)), was located in a parish or county described in subsection (b) of this section and was affected by Hurricane Katrina of 2005 or Hurricane Rita of 2005, the period during which that small business concern is permitted continuing participation and eligibility in that program or activity shall be extended for 24 months after the date such participation and eligibility would otherwise terminate.

(b) PARISHES AND COUNTIES COVERED.—Subsection (a) applies to any parish in the State of Louisiana, or any county in the State of Mississippi or in the State of Alabama, that has been designated by the Administrator of the Small Business Administration as a disaster area by reason of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10205, or 10206.

(c) REVIEW AND COMPLIANCE.—The Administrator of the Small Business Administration shall ensure that the case of every small business concern participating before the date of enactment of this Act in a program or activity covered by subsection (a) is reviewed and brought into compliance with this section.

By Mr. DURBIN:

S. 3287. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, today I am introducing the Protecting Consumers from Unreasonable Credit Rates Act. The bill establishes a Federal usury cap of 36 percent on all consumer credit transactions, in an effort to eliminate the unconscionable interest rates that some consumers have been charged for payday loans, car title loans, and other forms of credit.

The bill protects all borrowers by establishing the same annual percentage rate cap already in place for military personnel and their families. That rate is similar to the usury caps already enacted in many states.

Specifically, the bill establishes a maximum interest rate of 36 percent on all consumer credit transactions, taking into account all interest, fees, defaults, and other finance charges.

The bill clarifies that this cap does not preempt any stricter State laws.

It applies civil penalties for violations, including nullification of the transaction, fines, and prison.

It empowers attorneys general to take action for up to three years after a violation.

Previous attempts to curb payday lending have often been evaded due to the challenges of defining what constitutes a predatory loan. This bill overcomes this challenge by setting a relatively high interest rate as the cap, and then applying that cap to all credit transactions of any kind.

With the economy in decline and consumer debt skyrocketing, it is vitally important that strong protections against predatory lending be enacted to protect consumers against unscrupulous lenders. The financial security of many working families depends on it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Consumers from Unreasonable Credit Rates Act of 2008''.

SEC. 2. NATIONAL MAXIMUM INTEREST RATE.

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

''SEC. 140. MAXIMUM RATES OF INTEREST.

''(a) IN GENERAL.—Notwithstanding any other provision of law, no creditor may make an extension of credit to a consumer with respect to which the annual percentage credit rate, as defined in subsection (b), exceeds 36 percent.

''(b) ANNUAL PERCENTAGE CREDIT RATE DEFINED.—For purposes of this section, the annual percentage credit rate includes all charges payable directly or indirectly incident to, ancillary to, or as a condition of the extension of credit, including—

''(1) any payment compensating a creditor or prospective creditor for an extension of credit or making available a line of credit, or any default or breach by a borrower of a condition upon which credit was extended, including fees connected with credit extension

or availability, such as numerical periodic rates, late fees, excessive creditor-imposed not sufficient funds fees charged when a borrower tenders payment on a debt with a check drawn on insufficient funds, over limit fees, annual fees, cash advance fees, and membership fees;

''(2) all fees which constitute a finance charge, as defined by rules of the Board in accordance with this title;

''(3) credit insurance premiums, whether optional or required; and

''(4) all charges and costs for ancillary products sold in connection with or incidental to the credit transaction.

''(c) RELATION TO STATE LAW.—Nothing in this section may be construed to preempt any provision of State law that provides greater protection to consumers than is provided in this section.

''(d) CIVIL LIABILITY AND ENFORCEMENT.—In addition to remedies available to the consumer under section 130(a), any payment compensating a creditor or prospective creditor, to the extent that such payment is a transaction made in violation of this section, shall be null and void, and not enforceable by any party in any court or alternative dispute resolution forum, and the creditor or any subsequent holder shall promptly return to the consumer any principal, interest, charges, and fees, and any security interest associated with such transaction. Notwithstanding any statute of limitations or repose, a violation of this section may be raised as a matter of defense by recoupment or set off to an action to collect such debt or repossess related security at any time.

''(e) VIOLATIONS.—Any person that violates this section, or seeks to enforce an agreement made in violation of this section, shall be subject to, for each such violation, 1 year in prison and a fine in an amount equal to the greater of—

''(1) 3 times the amount of the total accrued debt associated with the subject transaction; or

''(2) $50,000.

''(f) STATE ATTORNEYS GENERAL.—An action to enforce this section may be brought by the appropriate State attorney general in any United States district court or any other court of competent jurisdiction within 3 years from the date of the violation, and may obtain injunctive relief.''.

By Mr. ROCKEFELLER (for himself, Mr. BAUCUS, Ms. SNOWE, Mr. DOMENICI, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. KENNEDY, Mrs. DOLE, Mr. SCHUMER, Ms. MIKULSKI, Mr. BINGAMAN, Mr. SMITH, Ms. CANTWELL, Mr. WHITEHOUSE, Mrs. MCCASKILL, Mr. KERRY, Mr. HARKIN, Mr. BROWN, Mr. CARDIN, Mrs. MURRAY, Mr. AKAKA, Mr. DURBIN, Mr. CASEY, Mr. SANDERS, Mr. DODD, Ms. LANDRIEU, Mrs. CLINTON, Mr. REED, Mrs. LINCOLN, Mr. INOUYE, Mr. OBAMA, Mr. KOHL, Mr. LEAHY, Mr. WYDEN, Mrs. BOXER, Mr. BIDEN, Mr. LEVIN, Ms. STABENOW, Mr. SALAZAR, Mr. SUNUNU, Mr. BYRD, Ms. KLOBUCHAR, and Mr. TESTER):

S.J. Res. 44. A joint resolution providing for congressional disapproval under chapter 8 of ''title 5, United States Code, of the rule set forth as requirements contained in the August 17, 2007, letter to State Health Officials from the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services and the State Health Official Letter 08–003, dated May 7, 2008, from such Center; to the Committee on Finance.

Mr. ROCKEFELLER. I rise in solidarity with the chairman of the Senate Finance Committee, Senator BAUCUS, as well as Senator SNOWE, Senator LAUTENBERG, Senator MENENDEZ, and many others, to wit, 41 other people who are cosponsores, and to introduce a resolution of disapproval, that is the name on it, of the August 17 CHIP directive.

The directive jeopardizes health care coverage for hundreds of thousands of children, which is reason enough to nullify the August 17 directive. But it also undermines the authority and the prerogatives of the legislative branch of Government.

I would caution those who would otherwise vote against this to think about the precedence for the future and the next administration. We have not been treated well. It is not necessary that we will be treated well or with proper respect in the next administration. We need to exert our privileges where they are legitimate. It is further evidence of this administration's, in my regard, this Senator's regard, blatant disregard for the rule of law.

As many of my colleagues may remember, on August 17, 2007, I referred to it as a domestic health care day of infamy, the Center for Medicare and Medicaid Services, otherwise known as CMS, issued a ''guidance letter'' to the States, ostensibly to clarify existing policies and requirements for States seeking to expand the Children's Health Insurance Program, otherwise known as CHIP, coverage to more children, which is what we are meant to be doing here.

However, the practical effect of the letter will be to drastically increase the number of uninsured children, children who should rightfully be covered by CHIP and who otherwise could benefit from the program. The directive has already taken a substantial toll on State coverage initiatives for uninsured children. Since it was issued, the directive has caused a diverse array of States, including Indiana, Louisiana, Ohio, and Oklahoma, that had planned to provide affordable coverage options for uninsured children through CHIP or Medicaid, in fact, to delay or scale back, or State fund their initiatives, if they can afford to so do.

As a result, tens of thousands of children have already missed out on coverage. By August, the directive will affect at least 22 States, including my own State of West Virginia. Hundreds of thousands of children, in red and blue States alike, will lose coverage immediately, if this directive goes into effect.

The directive goes directly against the will of the Congress. It was an act by a Cabinet officer or one of his minions, and it is not legal.

In addition to harming innocent children, the August 17 directive also undermines congressional authority. I am very sensitive about that after these last 7½ years. In 1996, Congress passed what is called the Congressional Review Act, to protect the integrity of the legislative branch from the whims of Federal agencies or midlevel bureaucrats or upper level bureaucrats. The Congressional Review Act requires Federal agencies—requires Federal agencies—to submit any rules covered by the act to Congress and the Comptroller General of the United States before that rule can take affect. Both the Congressional Research Service and the Government Accountability Office have determined that the August 17 CHIP directive constitutes a rule—a rule—as defined in the Congressional Review Act.

Therefore, CMS has to submit the August 17 rule to each House of Congress and the Comptroller General before it can take effect. We are exactly 1 month from implementation of this harmful policy, and CMS has repeatedly failed to comply with the statutory requirements of the Congressional Review Act.

It is an outrage. It is embarrassing. It is pathetic policy, damaging policy to innocent children who do not start wars and only need to start off in life healthy. If CMS is so convinced that the policy is justifiable, then they should take the required steps suggested by the GAO and the CRS in their review and abide by the law.

Not all my colleagues may agree with me on the substance of this issue. Some may believe that the August 17 policy CMS put forth in this guidance letter is perfectly acceptable. That is fine. That is up to them. On that we disagree.

But we should all be able to agree—in fact, we have no choice but to agree, all of us—that CMS violated the proper process required by law. They did not submit to the proper agencies or to the Congress what they intended to do surreptitiously and devastatingly.

If you respect Congress, as an institution, which I know all my colleagues do, then I urge you to support this formal resolution of disapproval. The health care coverage of millions of children depends on what we do on this.

This is not a sense-of-the-Senate resolution. This is a motion of disapproval and it will cause things to happen or to be ignored and it will have consequences. But we can reverse the August 17 decision and allow children to get health insurance as the Congress intended if we simply vote for this at the proper time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank you, and I commend the Senator from West Virginia, Mr. ROCKEFELLER, for his leadership in this matter.

I rise in strong support of the resolution that was introduced by myself, Senators ROCKEFELLER, BAUCUS, MENENDEZ, SNOWE, and others. Our resolution has a simple message: We have

to ensure that children across this country continue to get the health care they presently carry.

The Bush administration is conducting an assault on their health insurance. It is pitiful. Last year, the President and his supporters went around Congress and issued a set of rules that would take this critical health care coverage away from thousands of children across this country.

In my State of New Jersey alone, 10,000 children are at risk of losing their health insurance under this new Bush plan. Across this country, 250,000 children will be stripped of their health care, have it taken away from them.

In August, with nearly 50 million Americans without health insurance, this administration has made a further decision to add tens of thousands more children to the ranks of the uninsured. It is almost impossible to conceive.

Well, this resolution would put a stop to the dangerous plan. The Bush administration's plan is not just morally bankrupt, it is, as we heard from Senator ROCKEFELLER, according to the Government's watchdog agency, the GAO, the Government Accountability Office, a violation of Federal law. They are committing a violation of Federal law.

But, nevertheless, unless Congress acts, the President's plan is going to remove health insurance from these children in the next month. I have twice offered amendments in the Senate Appropriations Committee on this issue. Both times in the full committee, both Democrats and Republicans have gone on record to oppose President Bush's attempt to take away children's health care.

It does not matter whether it is Republican or Democratic, it is the wrong thing to do at the wrong time in our society, when things are so uncertain for people, home ownership, jobs, living costs, gasoline costs. This is not a very wise decision at any time, but during these tough economic times, the last thing we should do is take away health insurance from our children.

I urge my colleagues to stand up to this sustained and shameless effort to prevent children from seeing a doctor, getting medicine, overcoming sickness, and to support this resolution.

Once again, I express my gratitude to the Senator from West Virginia, Mr. ROCKEFELLER, and his leadership and those who have joined in to say: No, Mr. President, do not do this. It is unkind. It is unfair. It is illegal, according to the rules. Please, do not do it.

I ask my colleagues to stand and support our resolution.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I note a number of my colleagues are on the floor to speak in favor of the resolution. I ask unanimous consent that the full text of the resolution be printed in the RECORD immediately following all these statements on the resolution.

There being no objection, the text of the joint-resolution was ordered to be placed in the RECORD, as follows:

S.J. RES. 44

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Secretary of Health and Human Services relating to requirements set forth in the State Health Official Letter 07–001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services and the State Health Official Letter 08–003, dated May 7, 2008, from such Center, requiring States that expand the income eligibility level for children under the State Children's Health Insurance Program (SCHIP) above 250 percent of the Federal poverty level to adopt the 5 crowd-out strategies described in the August 17, 2007, letter with the components identified therein, and to provide certain assurances described in such letter, and such rule shall have no force or effect.

Mr. MENENDEZ. I wish to join my distinguished colleague from West Virginia, Senator ROCKEFELLER, who has been a champion on this issue from its creation and continues to be a champion to preserve the health care for some of the most vulnerable children in our society.

I appreciate his leadership, and I am privileged to join with him in this effort along with Senator BAUCUS, the chairman of the Senate Finance Committee; my colleague from New Jersey, Senator LAUTENBERG, who has tried time and time again through the appropriations process; Senator SNOWE, who has been a champion on this issue as well. We understand the consequences.

Eleven months ago today, the Bush administration decided to jeopardize health coverage for hundreds of thousands of children across the country. The Centers for Medicare and Medicaid Services sent a letter to all State health officials announcing that 1 month from today, States will be pressured to cover a much narrower range of families. They based their directive on an unfair financial standard that would exclude hundreds of thousands of children in the most difficult economic circumstances of our time. The result of that directive would be unconscionable. It would mean hundreds of thousands of terrible stories—a child with diabetes that goes undiagnosed, a child with a cleft palate she has to live with for the rest of her life, missed tetanus shots, untreated allergies, asthma, and hundreds of thousands of small, painful situations that would add up to a wave of tragedy too immense to imagine.

Many of us in this Chamber decided we were not going to sit back and watch this happen. We sent letters. We introduced legislation. We shouted as loudly as we could. But the President did his best to ignore us and keep his back turned on these children.

In 1 month, this unbelievably harmful rule is set to come into effect. In 1 month, States will have to overcome seemingly insurmountable hurdles if they want to cover children above 250 percent of the poverty level. In 1 month, the strength of our values will be seriously called into question.

If it weren't for this program, these children would fall between the cracks. They are not in dire enough poverty to qualify for Medicaid, but their working parents still don't have enough to afford private coverage. The families we seek to cover work hard every day, in some of the toughest jobs, but they work at jobs that offer no health care. These families certainly don't make enough money to afford private coverage. The State Children's Health Insurance Program is their last resort. That is why I am still shocked at the nerve of this administration when they unilaterally issued this harmful, cold-hearted directive on children's health. Where are those values I have heard the administration talk about? This really boils down to a different set of priorities. It is yet another example of placing some of the wealthiest above our working families.

If the President's directive takes effect, he is effectively saying tough luck to these families; go ahead and roll the dice with your daughter's health care. Let's think about what that says about our values. That kind of sentiment is completely out of line.

But that is not the only reason this directive should be overturned. The directive is not just a violation of our values, it is a violation of the law. The administration bypassed Congress and violated the Congressional Review Act when issuing this directive. The Government Accountability Office and the Congressional Research Service have issued legal opinions stating as much. The opinions conclude that the directive is not merely a clarification of existing SCHIP rules, as CMS has maintained, but, rather, a marked departure from well-settled policy that first should have been reviewed by Congress. That is why we are introducing this resolution of disapproval regarding the August 17 CHIP directive.

The President cannot be allowed to get away with this destructive backdoor policy. If we can't convince him on moral grounds, if we can't make him see the benefits of providing health care to children—and by the way, in New Jersey we have letters from the administration that not only gave us the authority to do this in the first place, to cover these children, but then also lauded our program and said it should be a model for the country; if it is a model for the country and you gave us the legal authority, how can you just take all those children off the rolls—then we call him out on procedural grounds. And the administration's procedure was, quite simply, illegal.

When this resolution passes into law, the August 17 directive will be nullified. That is my ultimate goal, to protect the health of our Nation's children and, certainly, the many children in New Jersey affected by this directive. The goal we strive for should be to

cover more, not fewer, children. I believe we have a responsibility, a moral, financial, and professional responsibility to ensure that in the greatest country in the world, no child goes to bed at night without proper health care and treatment. That means we must provide them with health coverage. If we don't, what are these families supposed to do? In these tough economic times, now more than ever, we need to support States that offer options for affordable coverage to hard-working parents and their children.

It is not just the health of our Nation's children but the health of our values that is at stake. I hope our colleagues, when this resolution comes up for a vote, will give it an overwhelming level of support, and we will send the right set of messages as to our values as well as how much we appreciate our children as the future of our country and the health that is associated with them that will be necessary for them to achieve their God-given potential.

Mr. BAUCUS. Mr. President, today, Senator ROCKEFELLER and I, along with many of our colleagues, are introducing a joint resolution disapproving of an administrative rule related to the State Children's Health Insurance Program, known as CHIP. I urge my colleagues to support the joint resolution.

I spent a lot of time talking about CHIP last year. We tried to expand and improve the program, so that it could help millions more kids across America. I remain disappointed that the President vetoed both of the reauthorization packages that Congress sent him. But I also remain committed to fighting for CHIP and the families whom it serves.

That is why I am here today. Last summer, while House and Senate Democrats and Republicans were crafting reauthorization legislation, the administration issued what is known as the August 17th CHIP directive. The directive imposes significant new requirements on States wishing to expand eligibility for CHIP to kids from families with incomes above 250 percent of the Federal poverty line.

The directive was viewed as overly restrictive and severe. It imposes unrealistic hurdles on States wishing to cover more kids under CHIP. The timing of the directive's release was seen as unfair, given that work on reauthorization was well underway. The process surrounding issuance of the directive also caused concern. Congressional reaction to the directive was so negative that we included in the CHIP reauthorization legislation a more reasonable alternative policy that would have supplanted the directive.

The administration issued the directive in the form of a letter to State health officials. While the administration has the authority to use sub-regulatory letters for some things, it exceeded its authority on August 17, 2007. The CHIP directive letter was actually a rule. And the administration should have promulgated it as a rule. Both the Government Accountability Office and the Congressional Research Service determined that the directive is a rule.

That the directive is a rule is significant, because of the Congressional Review Act. Congress passed the Congressional Review Act to protect and empower Congress. Congress meant for the law to keep Congress informed of the administrative rulemaking process. Congress meant for the law to provide an opportunity for Congress to review rules before they take effect.

The Congressional Review Act requires an agency, prior to publishing a rule, to submit a copy of the rule to both Houses of Congress and to the Comptroller General. In this instance, the agency did not submit its rule to either House of Congress or to the Comptroller General. So Congress was deprived of its opportunity for review.

This was a violation of fair process. We should not tolerate it. Members of Congress should stand up for themselves and the institution by supporting this joint resolution. The Congressional Review Act imposes specific obligations on agencies and vests Congress with certain powers.

On August 17, 2007, one agency attempted to ignore its obligations and Congress. The agency attempted to circumvent the process established by the Congressional Review Act. And the agency should not be rewarded.

Congress should disapprove of this rule because the substance is so overreaching and detrimental to America's kids. And Congress should also disapprove of this rule because it was issued in a way that was inconsistent with the law.

This resolution is a way to tell low-income American families that they matter. This resolution is a way to say that Congress is willing to fight for them.

I know that my home State of Montana is trying to expand its eligibility for CHIP. I support that effort. For me, this joint resolution is another way to show how important CHIP is to Montana's kids.

The resolution is also a way for Congress to send the message that it expects agencies to comply with the law. Congress should stand up for itself and disapprove of this rule, because it was, not promulgated properly.

I urge my colleagues to support this joint resolution.

Mr. CASEY. Mr. President, I rise to speak in favor of a joint resolution of which I am a cosponsor, the joint resolution disapproving the rule requirements in the CMS letter that was sent in August of 2007, sent on a Friday during recess. It earned the nickname ''the midnight massacre'' because of the nature of the way that was sent. But I think a better way to describe this, in terms of the impact it has on children, is a ''thief in the night.''

What we are talking about is an effort by a Federal agency to deny health coverage for children under the guise of some bureaucratic inside-the-beltway rationale. What this directive does is set unfairly high bars for States, which the Federal Government knows they cannot reach, and is purposefully, I think, denying children health care. It also sets a waiting period for children and their families in States. At the same time, when the Federal Government makes all kinds of accommodations for the powerful, they let children and their families wait for health care coverage.

This directive bypassed Congress and violated the law. It excluded States, and it is not any kind of clarification, as the administration has asserted. Hundreds of thousands of children will lose their health insurance coverage. Several States have already been affected. In my home State of Pennsylvania at least—if not more—2,000 children will lose their health insurance coverage. It also undercuts an agreement in Congress to do something about this and to keep this Children's Health Insurance Program in place until March of 2009.

This is very simple. We are talking about children who are poor, who come from poor families or middle-income families. Children's health insurance is a program that works. We have had a decade of experimentation. It works very well. It is efficient. It is effective. It delivers health insurance for children, and there are a lot of families out there, a lot of mothers out there, who can do everything for their children; they can provide nurture and care and safety. One thing a mother cannot provide for her child is health care, unless she gets some help, just a little bit of help from the Federal Government, with all the power.

So I would say to the administration, turn back against this bureaucratic, inside baseball, ''thief in the night'' and make sure these children get the coverage they deserve, just like the rest of us in Congress. We get pretty good health care coverage. It is about time more people in the Senate, in the House, and down the street in the administration stood up for children and did away with this directive.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 615—URGING THE GOVERNMENT OF TURKEY TO RESPECT THE RIGHTS AND RELIGIOUS FREEDOMS OF THE ECUMENICAL PATRIARCHATE OF THE ORTHODOX CHRISTIAN CHURCH

Mr. MENENDEZ (for himself, Ms. SNOWE, Mr. BIDEN, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 615

Whereas the Government of Turkey has sought membership in the European Union and maintains strong bilateral relations with the United States Government;

Whereas the accession of Turkey to the European Union will depend on its adherence