

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

to the Copenhagen criteria that require candidate countries to have achieved stability of governmental institutions that guarantee human rights and that respect and protect minorities, including religious minorities such as Orthodox Christians;

Whereas, on August 2, 2007, European Union Enlargement Commissioner Olli Rehn indicated that Turkey must achieve “concrete results in areas of fundamental freedoms such as . . . religious freedom”;

Whereas the Ecumenical Patriarchate and its Sacred See is the spiritual head for tens of millions, a valuable place of great historic significance to hundreds of millions where much of the New Testament and sacred creeds, including the Nicene Creed, were codified, and as the head of the largest Christian Church headquartered in a majority Muslim country, a critical link between Christians and Muslims;

Whereas the United States was founded on the concept of religious freedom and has maintained its support for such freedom throughout its history;

Whereas the practice of religious freedom of millions of Orthodox Christians in the United States is dependent on the religious freedom of the spiritual head of their faith;

Whereas the United States Government has expressed its emphatic support for full religious freedom for the Ecumenical Patriarchate through numerous statements by both Democratic and Republican Presidents, in letters signed by the extraordinary number of 73 of 100 United States Senators and 42 of 50 members of the Foreign Affairs Committee of the House of Representatives, and in reports of the Department of State, the Helsinki Commission, and other government agencies;

Whereas Ecumenical Patriarch Bartholomew gathered international religious leaders soon after the September 11, 2001, terrorist attacks on the United States, and produced the first condemnation of the attacks as “anti-religious”;

Whereas the Ecumenical Patriarch Bartholomew was awarded the Congressional Gold Medal, the highest civilian award bestowed by Congress;

Whereas the international community places particular importance on safeguarding and promoting religious freedom as is expressed in the creation of a Special Rapporteur on Freedom of Religion or Belief in the Office of the High Commissioner for Human Rights of the United Nations, in the “Declaration of Principles Guiding Relations between Participating States” principle VII, paragraph I of the Helsinki Commission, and in most highly regarded international organizations;

Whereas the Government of Turkey does not recognize the Ecumenical Patriarch as ecumenical, interferes with the process of selecting the Ecumenical Patriarch by requiring that the Patriarch be a citizen of Turkey, thereby restricting candidates due to the gradual disappearance of eligible Orthodox Christians who are citizens of Turkey; and

Whereas the Government of Turkey has confiscated without compensation significant quantities of property belonging to the Ecumenical Patriarchate and closed its seminary at Halki: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its view that the Government of Turkey should move expeditiously to meet the criteria set forth by the European Council in Copenhagen;

(2) calls on the European Union to focus on the elimination of all forms of discrimination in Turkey, particularly with regard to the Ecumenical Patriarchate, while continuing accession negotiations;

(3) calls on the Government of Turkey to remove an obstacle in its relations with the United States Government by taking positive steps to provide full religious freedom for the Ecumenical Patriarchate; and

(4) calls on the Government of Turkey to immediately—

(A) recognize the right to the title of “Ecumenical Patriarch”;

(B) grant the Ecumenical Patriarch appropriate international recognition and ecclesiastical succession;

(C) grant the Ecumenical Patriarch the right to train clergy of all nationalities, not just Turkish nationals; and

(D) respect property rights and human rights of the Ecumenical Patriarchate.

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, July 30, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 1816, to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women’s Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women’s suffrage, and for other purposes; S. 2093, to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System; S. 2535, to revise the boundary of the Martin Van Buren National Historic Site, and for other purposes; S. 2561, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War; S. 3011, to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes; S. 3113, to reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for off-road vehicle use by the National Park Service; S. 3148, to modify the boundary of the Oregon Caves National Monument, and for other purposes; S. 3158, to extend the authority for the Cape Cod National Seashore Advisory Commission; S. 3226, to rename the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky as the Abraham Lincoln Birthplace National Historical Park; S. 3247, to provide for the designation of the River Raisin National Battlefield Park in the State of Michigan; and H.R. 5137, to ensure that hunting remains a purpose of the New River Gorge National River.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [rachel.pasternack@energy.senate.gov](mailto:rachel.pasternack@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 17, 2008 at 1 p.m. in room 328A of the Russell Senate Office Building.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the sessions of the Senate on July 17, 2008, at 10 a.m.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 17, 2008, at 9 a.m., in room SD-G50 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON FINANCE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, July 17, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON FOREIGN RELATIONS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 17, 2008, at 2:30 p.m.

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

#### PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that Colin Jones, a fellow from the Idaho National Laboratory, be granted the privilege of the floor for the duration of the Energy bill, S. 3268.

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