

of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL No. 8322-6) received on June 6, 2007; to the Committee on Environment and Public Works.

EC-2204. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Phase 2 of the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Notice of Reconsideration" ((RIN2060-A000)(FRL No. 8324-9)) received on June 6, 2007; to the Committee on Environment and Public Works.

EC-2205. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration and Nonattainment New Source Review: Removal of Vacated Elements" ((RIN2060-AN92)(FRL No. 8324-6)) received on June 6, 2007; to the Committee on Environment and Public Works.

EC-2206. A communication from the Assistant Secretary for Water and Science, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies; Inclusion of Hoover Dam" (RIN1006-AA52) received on June 5, 2007; to the Committee on Energy and Natural Resources.

EC-2207. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rollovers to Roth IRAs" (Announcement 2007-55) received on June 6, 2007; to the Committee on Finance.

EC-2208. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Covered Employees Under Section 162(m)(3)" (Announcement 2007-49) received on June 6, 2007; to the Committee on Finance.

EC-2209. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of Gene Expression Profiling Test System for Breast Cancer Prognosis" (Docket No. 2007N-0136) received on June 6, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2210. A communication from the Secretary, Federal Maritime Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2211. A communication from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Fees for Customs Processing at Express Consignment Carrier Facilities" (RIN1505-AB39) received on June 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2212. A communication from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States—Singapore Free Trade Agreement" (RIN1505-AB48) received on

June 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2213. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances; Placement of Lisdexamphetamine into Schedule II" (Docket No. DEA-301F) received on June 6, 2007; to the Committee on the Judiciary.

EC-2214. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Record Disclosure and Privacy" (RIN3245-AF20) received on June 6, 2007; to the Committee on Small Business and Entrepreneurship.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-101. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to continue the current United States sugar program in the 2007 Farm Bill; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 83

Whereas, Louisiana farmers have produced sugarcane for more than two hundred years; and

Whereas, Louisiana's sugarcane industry employs approximately twenty-seven thousand people and contributes more than 1.7 billion dollars to the state's economy; and

Whereas, the state's sugar producers were severely harmed by Hurricanes Katrina and Rita; and

Whereas, a strong domestic sugar market is a critical component to the sugar industry's recovery in Louisiana; and

Whereas, the state's sugar producers depend on the sugar policy in the Farm Security and Rural Investment Act of 2002 for survival; and

Whereas, United States sugar policy has kept sugar affordable for grocery shoppers, has operated at no cost to taxpayers, and has strengthened the country's food security; Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to continue the current United States sugar program in the 2007 Farm Bill; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-102. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to expedite the repair and rebuilding of the St. Bernard Parish levee system by all appropriate federal agencies and to close the Mississippi River Gulf Outlet; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 67

Whereas, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) is charged with flood protection of a large portion of south Louisiana; and

Whereas, this geographical area includes the Lake Borgne Levee District, which encompasses St. Bernard Parish; and

Whereas, the Lake Borgne Levee District has suffered catastrophic damage to its flood protection systems, including pumps, pump stations, drainage canals, and levees from the effects of Hurricanes Katrina and Rita; and

Whereas, it has been twenty months since the hurricanes passed through the area; and

Whereas, much-needed repairs to the flood protection systems include the need for temporary pumping capacity, sediment removal from all canals, storm-proofing pump stations, raising the Caernarvon to Verret levee to its authorized height, raising the Bayou Bienvenue to the Inner Harbor Navigation Canal levee and floodwall, and completion of the design and construction of permanent pump stations to replace those ruined by the hurricanes; and

Whereas, the Lake Borgne Levee District cannot provide adequate flood protection to the citizens of St. Bernard Parish until repairs to the levee system are complete; and

Whereas, delays have been caused by a lack of cooperation between several key federal agencies, including the United States Army Corps of Engineers, National Resources Conservation Service, Federal Emergency Management Agency, and the Department of Homeland Security; and

Whereas, congress must intervene on behalf of the citizens of Louisiana to finish these key hurricane flood protection projects; and

Whereas, the Mississippi River Gulf Outlet (MRGO) is a seventy-six-mile-long, man-made navigational channel which connects the Gulf of Mexico to the Port of New Orleans; and

Whereas, since MRGO was completed, the United States Army Corps of Engineers estimates that the area has lost nearly three thousand two hundred acres of fresh and intermediate marsh, more than ten thousand three hundred acres of brackish marsh, four thousand two hundred acres of saline marsh, and one thousand five hundred acres of cypress swamp and levee forest in addition to major habitat alterations due to saltwater intrusion; and

Whereas, the dramatic loss of coastal wetlands and marshes caused by MRGO exposed St. Bernard Parish to much more severe impacts from the hurricanes and tropical storms that regularly occur in the Gulf of Mexico; and

Whereas, those concerns proved true in an extremely dramatic fashion on August 29, 2005, when Hurricane Katrina struck Louisiana's coast with a tidal surge well in excess of twenty feet; and

Whereas, there is a growing consensus that the flooding that occurred in St. Bernard Parish, New Orleans East, and the Lower Ninth Ward of New Orleans was a result of storm surge that flowed up MRGO to the point where it converges with the Intra-coastal Waterway and that the confluence created a funnel that directed the storm surge into the New Orleans Industrial Canal, where it overtopped the levees along MRGO and the Industrial Canal and eventually breached the levees and flooded into the neighborhoods that lie close to those three waterways, resulting in more than eleven hundred deaths in the Greater New Orleans area, including one hundred twenty-eight deaths in St. Bernard Parish, destroying over twenty-four thousand homes, and rendering more than sixty-seven thousand residents of St. Bernard Parish and uncounted numbers in New Orleans East and the Lower Ninth Ward of New Orleans homeless, without possessions, and unemployed; and

Whereas, in addition to destroying homes, the floodwaters washed away churches and other places of worship, schools, businesses, community centers, recreational facilities,

and utility and transportation infrastructure; and

Whereas, as the only entity which can authorize the waterway to be closed and which can enable the reestablishment of our essential coastal wetlands, the United States Congress must come to the aid of the citizens of Louisiana, particularly those of St. Bernard Parish by authorizing the immediate closure of MRGO: Therefore, be it,

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to expedite the repair and rebuilding of the St. Bernard Parish levee system by all appropriate federal agencies and to immediately close the Mississippi River Gulf Outlet; and Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-103. A joint resolution adopted by the Legislature of the State of Montana opposing, among other things, any effort to implement a trinational political, governmental entity among the United States, Canada, and Mexico; to the Committee on Foreign Relations.

HOUSE JOINT RESOLUTION NO. 25

Whereas, the Security and Prosperity Partnership of North America was launched in March of 2005 as a trilateral effort among the United States, Canada, and Mexico to share information and streamline traffic across shared borders; and

Whereas, in meeting Security and Prosperity Partnership initiatives, the security and prosperity ministers are examining opportunities to open the borders between the United States, Canada, and Mexico; and

Whereas, the gradual creation of such a North American Union from a merger of the United States, Mexico, and Canada would be a direct threat to the Constitution and national independence of the United States and imply an eventual end to national borders within North America; and

Whereas, according to the Department of Commerce, United States trade deficits with Mexico and, Canada have significantly widened since the implementation of the North American Free Trade Agreement (NAFTA); and

Whereas, the economic and physical security of the United States is impaired by the potential loss of control of its borders attendant to the full operation of NAFTA; and

Whereas, a NAFTA Superhighway System from the west coast of Mexico through the United States and into Canada has been suggested as part of a North American Union and the broader plan to advance the Security and Prosperity Partnership; and

Whereas, it would be particularly difficult for Americans to collect insurance from Mexican companies that employ Mexican drivers involved in accidents in the United States, which would increase the insurance rates for American drivers; and

Whereas, future unrestricted foreign trucking into the United States can pose a safety hazard due to inadequate maintenance and inspection and can act collaterally as a conduit for the entry into the United States of illegal drugs, illegal human smuggling, and terrorist activities; and

Whereas, a NAFTA Superhighway System would be funded by foreign consortiums and controlled by foreign management, which threatens the sovereignty of the United States; and

Whereas, the Security and Prosperity Partnership aims to integrate United States

laws with Mexico and Canada on a broad range of issues such as e-commerce, transportation, environment, health, agriculture, financial services, and national security, which may lead to negative changes in United States administrative laws; and

Whereas, state and local governments throughout the United States would be negatively impacted by the Security and Prosperity Partnership or a North American Union process, such as an open borders vision, eminent domain takings of private property along potential superhighways, and increased law enforcement problems along such superhighways; and

Whereas, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty and has had virtually no congressional oversight; and

Whereas, initiatives advancing the Security and Prosperity Partnership will lead to the erosion of United States sovereignty and could lead to integrated continental court systems and currency; and

Whereas, United States policy, not foreign consortiums, should be used to control our national borders and to ensure that national security is not compromised; Now, Therefore, be it

Resolved, by the Senate and the House of Representatives of the State of Montana:

That the Montana Legislature urge the President and the Congress of the United States to withdraw the United States from any further participation in the Security and Prosperity Partnership, any efforts to implement a trinational political, governmental entity among the United States, Canada, and Mexico, or any other efforts used to accomplish any form of a North American Union System; and be it further

Resolved, that copies of this resolution be sent by the Secretary of State to the Honorable George W. Bush, President of the United States, the Vice President of the United States, the United States Secretary of Commerce, and each member of the United States Congress.

POM-104. A concurrent resolution adopted by the Legislature of the State of Hawaii urging Congress to support legislation authorizing the Secretary of Health and Human Services to negotiate lower drug prices on behalf of Medicare beneficiaries; to the Committee on Health, Education, Labor, and Pensions.

Whereas, data provided by AARP Hawaii shows that half of all people in Hawaii, particularly those ages 50 and older and those with lower incomes, are concerned about being able to afford prescription drugs; and

Whereas, slightly over half of Hawaii's residents who are taking prescription medication on a regular basis say that paying for their drugs presents a financial burden; and

Whereas, nearly one-third of our residents who regularly take prescription drugs report taking at least one significant cost-reducing measure to pay for their medication; and

Whereas, the United States Congress has the opportunity to help reduce the cost of prescription drugs for Hawaii's 155,000 enrolled Medicare Part D beneficiaries by strengthening the Medicare Modernization Act of 2003 (MMA) through supporting legislation to give the Secretary of Health and Human Services the authority to use the bargaining power of 43 million Medicare beneficiaries to help make prescription drugs more affordable; and

Whereas, Hawaii families are counting on Congress to do everything possible to help make prescription drugs more affordable and accessible to beneficiaries under the MMA; now, therefore, be it

Resolved, by the House of Representatives of the Twenty-fourth Legislature of the

State of Hawaii, Regular Session of 2007, the Senate concurring, that the Legislature urges the United States Congress to support legislation authorizing the Secretary of Health and Human Services to negotiate lower drug prices on behalf of Medicare beneficiaries; and be it further

Resolved, that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's Congressional Delegation.

POM-105. A concurrent resolution adopted by the Legislature of the State of Hawaii urging Congress to propose amendments to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 57

Whereas, the United States Congress must decide in 2007 whether to reauthorize the No Child Left Behind Act of 2001 or let it die and replace it with a new law; and

Whereas, the No Child Left Behind Act, unprecedented in the history of federal and state roles in public education by the mandated imposition of a federally prescribed, single accountability model for all public schools, undermines the established constitutional role of state and local public education governance; and

Whereas, the No Child Left Behind Act, while purporting to create an accountability system for public schools, has in reality, been an enormous financial and programmatic burden on schools and taxpayers; and

Whereas, even if states and schools are satisfied with their educational programs and outcomes, they are forced to participate in this top-down system in order to continue to receive federal funds for education, such as Title I funds; and

Whereas, the No Child Left Behind Act mandates consequences to schools if just one of thirty-seven possible adequate yearly progress calculation outcomes are not met, and makes no distinction in the consequences imposed on schools that did not meet one or did not meet all thirty-seven, resulting in dilution of energy, time, and money by mandating the treatment of all such schools to include identical sanctions; and

Whereas, the No Child Left Behind Act employs a view of motivation that is misguided and objectionable, using threats, punishments, and pernicious comparisons to "motivate" teachers, students, and schools; and

Whereas, private K-12 schools have chosen not to spend their time or money adopting key elements of the, No Child Left Behind Act's intensive testing and accountability regimen; and

Whereas, the No Child Left Behind Act's narrow focus on the "basics" has discouraged the implementation of best practices cutting edge educational research in order to achieve higher test scores; and

Whereas, the No Child Left Behind Act has driven many schools and school systems into a narrowing of curriculum, often focused on only tested subjects, to the detriment of subjects and rich educational experiences, such as the arts; and

Whereas, the goal of achieving percent proficiency, including special education students, is unrealistic, and the pursuit of which channels millions of dollars into tactically targeted programs that divert limited resources from other critical school programs, professional, training, as well as the educational and physical environment of schools; and

Whereas, the requirements of the No Child Left Behind Act penalize schools who enroll

students who have inherent educational deficiencies and, who as a group, will continue to remain below ever increasing No Child Left Behind “annual measurable objectives”; and

Whereas, while there has recently been some interest in the development of so-called “growth models” to recognize the contributions of a school to individual students over time, the lack of adequate funding and the prohibition against states developing their own growth models has rendered this initiative almost meaningless; and

Whereas, the No Child Left Behind Act does not provide additional funds for teacher education or training, if school is in “status” or under, restructuring, which creates a punitive environment with little commitment on the part of the federal government for improving teaching and learning, or for supporting increased school success; and

Whereas, Adequate Yearly Progress does not take into account a school’s adoption of meaningful educational innovation or judicious use of research; and

Whereas, the No Child Left Behind Act has channeled countless dollars into high-stake testing, which has largely benefited national private testing companies, but at the expense of ignoring genuine student accomplishments; and

Whereas, the No Child Left Behind Act appears biased towards a one-size fits all multiple choice testing system, and tends to ignore other means of engaging and assessing students such as project-based, hands-on, or problem-solving demonstrations of competency; and

Whereas, the United States Department of Education has shown little or no interest in creating incentives among colleges and universities to incorporate innovative portfolios or project-based competencies into their admissions decisions, thus reinforcing the use of high-stake, multiple-choice private contractors; now, therefore, be it

Resolved by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, the House of Representatives concurring, that the United States Congress is strongly urged to proposed specific amendments to, or recommend the repeal of, the federal No Child Left Behind Act of 2001; and be it further

Resolved, that among the issues and amendments the United States Congress should address are the following:

(1) Improving teacher quality, preparation, and training by:

(A) Building support for a comprehensive incentive program to recruit, place, and retain experienced, well-qualified teachers in high-need schools (e.g., high poverty, or geographically-isolated communities);

(B) Providing significant support for teacher education, professional development, in-service training, and career opportunities;

(C) Improving the occupational status and compensation of teaching as a career;

(D) Improving qualifications of teacher candidates at colleges of education;

(E) Providing financial incentives for institutions of higher learning to incorporate portfolios and demonstrations of competency into their admissions decisions;

(F) Strengthening teacher education preparation programs in areas such as science, mathematics, technology, measurement, data analysis, and evaluation;

(G) Recognizing teachers having achieved certification by the National Board for Professional Teaching Standards as “highly qualified” in their respective fields; and

(H) Providing flexibility in recognizing certified secondary level special education teachers as qualified teachers in their own right, and removing the unrealistic expectation that such teachers be additionally certified in every single core subject area;

(2) Improving assessment measures and systems by:

(A) Refining student assessment instruments designed specifically for use in improving instruction as well as school accountability;

(B) Encouraging states and school districts to utilize a wider range of useful assessments, including project-based competency and portfolios;

(C) Developing more appropriate means of assessing the academic progress of English Language Learners, special education students; and those with behavioral health issues; and

(D) Supporting the development and implementation of comprehensive statewide data collection and exchange systems that allow for more efficient support for student record keeping and informed educational policy decision making (e.g., electronic student transcript systems, and longitudinal analyses of growth in academic achievement);

(3) Improving accountability models, indicators of performance, and consequences by:

(A) Supporting states and the educational research community in research and development efforts to further the pioneering work required in refining the technology underlying growth (toward standards) analysis models;

(B) Permitting each state to adopt and pilot its own growth model to calculate adequate yearly progress under the No Child Left Behind Act to take advantage of inherent benefits that motivate students at all levels of proficiency;

(C) Supporting wholesale changes to the “adequate yearly progress” model for educational accountability that would provide for a fairer and more balanced appraisal of school performance and quality;

(D) Replacing punitive, conjunctive “miss one miss all” criteria;

(E) Expanding accountability indicators to reflect performance on standards in other important disciplines and countering unintended consequences such as a narrowing of curriculum;

(F) Allowing for current limitations in reliable and valid assessments of students within a wide range of disability classifications; and

(G) Allowing for deferrals to test new immigrant students with limited English proficiency for up to three years of entering the country;

(4) Augmenting resources to assist states in efforts to accomplish challenging educational initiatives by:

(A) Requiring schools to maintain a broad and comprehensive curriculum to support adopted content and performance standards, including the arts and physical education;

(B) Fully funding special education programs, as once promised;

(C) Providing adequate funding to research and develop multiple and more valid means of assessing student competence, skills and knowledge for use in both improvement and educational accountability; and

(D) Providing funding and training support for data and technology infrastructure requirements;

(5) Supporting innovation, capacity building, and flexibility to address state and local education needs by:

(A) Recognizing schools that demonstrate successful strategies using innovative curriculum and methodologies;

(B) Developing new initiatives for school facilities that do not push educational funding toward ever larger schools and economy-of-scale construction mentality;

(C) Avoiding simplistic “one size fits all” solutions for assessment, accountability, and intervention;

(D) Addressing unique needs of “high-need” schools (e.g., high poverty, high immigration, extreme geographic isolation); and

(E) Allowing states to determine which and how many grade levels are best to test; and

(6) Returning to the original intent and purpose of the Elementary and Secondary Education Act (ESEA) by:

(A) Restoring the foundational precepts of ESEA and its focus on equity in educational attainment despite disadvantages stemming from socio-economic background;

(B) Allowing states to “opt out” of requirements that impact schools that do not receive ESEA entitlements, without loss of Federal funds;

(C) Promoting strategies that directly reduce achievement gaps through better instruction, such as incentives for experienced, well-qualified teachers to accept positions in high-need schools and for reducing class size;

(D) Resolving to build the best public education system and teacher work force in the world, rather than promoting lofty rhetoric and ploys that undermine and divert public funds to private schools; and

(E) Returning policy setting and curriculum and teaching decision making control back to states, school districts and local communities; and be it further

Resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Vice President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives and the members of Hawaii’s Congressional delegation.

POM-106. A resolution adopted by the Senate of the State of Pennsylvania urging Congress to enact legislation to provide additional funding for amyotrophic lateral sclerosis research; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 115

Whereas, Amyotrophic lateral sclerosis (ALS) is better known as Lou Gehrig’s disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, The initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, As ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, Because ALS does not affect mental capacity, persons with ALS remain alert and aware of the loss of motor function and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55; and

Whereas, ALS affects men two to three times more often than women; and

Whereas, More than 5,000 new ALS patients are diagnosed annually; and

Whereas, On average, patients diagnosed with ALS survive only two to five years from the time of diagnosis; and

Whereas, Research indicates that military veterans are at a 50% or greater risk of developing ALS than other persons; and

Whereas, ALS has no known cause, means of prevention or cure; and

Whereas, “Amyotrophic Lateral Sclerosis Awareness Month” increases public awareness of ALS patients’ circumstances, acknowledges the terrible impact of ALS on patients and their families and recognizes ongoing research to eradicate ALS; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania recognize the month of May 2007 as "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" in the Commonwealth of Pennsylvania; and be it further

Resolved, That the Senate urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM-107. A resolution adopted by the Senate of the State of Pennsylvania urging Congress to fulfill the commitment of the Individuals with Disabilities Education Act to provide resources equal to 40 percent of the national average per pupil expenditure for special education students for each Pennsylvania student with special needs; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 91

Whereas, In the interest of ensuring that children with disabilities in the United States receive a free appropriate public education, the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. §1400 et seq.) encroached upon the states' traditional domain over education and established certain mandates that all state and local governments must observe in the education of children with special needs; and

Whereas, In recognition of the high cost of these Federal mandates, the Individuals with Disabilities Education Act allows the Congress to provide each state with a maximum Federal grant equal to the number of children with disabilities in the state multiplied by 40% of the average per pupil expenditure for all special education students in the United States; and

Whereas, Although the Commonwealth of Pennsylvania has endeavored to serve its students with special needs by implementing the costly mandates imposed by the Individuals with Disabilities Education Act, the Federal Government has not provided sufficient funding to pay for these mandates; and

Whereas, The Federal funding the Commonwealth receives for each student with special needs is only the equivalent of 14.8% of the national average per pupil expenditure; and

Whereas, By this measure, the Federal Government contributes only 37% of the total cost of special education in this Commonwealth even though the Commonwealth and its school districts must comply with 100% of the costly mandates imposed by the Individuals with Disabilities Education Act; and

Whereas, These costs have been increasing rapidly in recent years; and

Whereas, In this Commonwealth, the population of students with special needs has increased by less than 1% since 2000; and

Whereas, In the same period, the Commonwealth's appropriations for special education have increased by 25% in order to keep pace; and

Whereas, Because the Federal Government has failed to provide the level of funding that the Individuals with Disabilities Education Act allows, it has placed a disproportionate financial burden on the Commonwealth and its school districts; and

Whereas, If the Individuals with Disabilities Education Act is to fully accomplish its mission to provide a free appropriate public education to children with disabilities, the

Federal Government must provide State and local governments with the funding they need to successfully implement the act's mandates; therefore be it

Resolved, That the Senate of Pennsylvania urge Congress and the President of the United States to fulfill the commitment of the Individuals with Disabilities Education Act to provide resources equal to 40% of the national average per pupil expenditure for special education students for each Pennsylvania student with special needs; and be it further

Resolved, That copies of this resolution be sent to the President and Vice President of the United States, to the presiding officers of each house of Congress from Pennsylvania, to the National Conference of State Legislatures, to the State Board of Education and to the Secretary of Education.

POM-108. A resolution adopted by the Legislature of the State of Arizona urging Congress to continue the funding and completion of the Secure Border Initiative Network program by the target date of December 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

SENATE MEMORIAL 1004

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, the safety and security of Arizona's southern border are critical to the economy and the health and welfare of all Arizona citizens; and

Whereas, the Federal government, through the United States Customs and Border Protection's Secure Border Initiative Network program (SBInet), is allocating millions of dollars and significant resources to developing and deploying personnel, infrastructure, technologies and rapid response platforms to prohibit the illegal entry of people and contraband across the entire southern border of Arizona; and

Whereas, SBInet is a program of intense national interest with a challenge to accomplish something that has never before been done and is committed to delivering a system to the United States government that will support the United States Customs and Border Protection in detecting, apprehending and processing people who cross Arizona's border illegally; facilitate legitimate cross-border travel and commerce; and most importantly, provide taxpayers with the best value solution over the life of the program; and

Whereas, SBInet will deliver the ability to detect entries into the United States when they occur, to identify what the entry is and to classify its level of threat, thereby allowing the border patrol to effectively and efficiently respond to the entry, and to resolve the situation with appropriate law enforcement; and

Whereas, Arizona, takes pride in being the first state to receive the benefits of SBInet; and

Whereas, by the end of calendar year 2008, the SBInet program will deploy fencing, vehicle barriers and proven current and next-generation technology, including radars, sensors, communications enhancements and the requisite number of United States Customs and Border Protection Border Patrol agents to secure Arizona's southern border.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the United States Congress continue the funding and completion of SBInet by the target date of December 31, 2008.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of

Representatives and each Member of Congress from the State of Arizona.

POM-109. A resolution adopted by the Legislature of the State of Arizona urging Congress to use its powers as delegated by the Indian Commerce Clause to acknowledge and protect the public interest of Indian country from competing public interests and regulatory jurisdictions; to the Committee on Indian Affairs.

HOUSE CONCURRENT MEMORIAL 2007

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, it is crucial for Native Americans to establish equitable, affordable and universal access to telecommunications services, allowing placement of infrastructure and information technology equipment to deliver broadband services and other evolving and emerging technologies on tribal lands to American Indian communities by the year 2010; and

Whereas, it is vital to ensure that the universal service concepts of the 1996 Telecommunications Act allow for telecommunications infrastructure and information technology to be developed and used in a manner that meets the social, civic, economic, educational and cultural needs of American Indian tribes and communities; and

Whereas, it is essential to protect, strengthen and assert tribal government sovereignty and regulatory jurisdiction, in the areas of telecommunications and information technology; and

Whereas, it is vital to create a framework and guidelines for tribal governments and communities, intertribal organizations and American Indian organizations to prepare, plan and make recommendations for telecommunications and information technology policy, legislation, appropriations, program development and self-determination.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress recognize the rights of tribal governments and communities to exercise and assert regulatory jurisdiction over telecommunications activities in the boundaries of reservations and communities.

2. That the United States Congress encourage states, counties and municipalities to provide partnership opportunities that promote telecommunication services and that are mutually beneficial for the economic, social and general welfare for all state citizens.

3. That the United States Congress provide a sufficient set-aside of Homeland Security monies to ensure equitable and sufficient distribution of monies among tribal governments and American Indian communities for the development of telecommunications build-out necessary to mitigate emergencies and crisis brought about by acts of terrorism, drug trafficking, human smuggling and other deplorable acts that threaten national and local security.

4. That the United States Congress promote and support tribal government and community efforts to establish telecommunications regulatory authorities and codes.

5. That the United States Congress support and advance public safety implementation among tribes and communities through the provision of grants for the development of telecommunications and information technology capacities among law enforcement agencies, emergency medical service providers, fire departments, courts and justice departments and other emergency responder agencies.

6. That the United States Congress support and advance tribal government and ownership of spectrum above tribal lands and communities by granting, rather than auctioning, partitioned spectrum licenses to tribal entities.

7. That the United States Congress encourage and support tribal government and community efforts to establish and operate telephone companies and other telecommunication businesses, such as internet service providers, especially in unserved and underserved areas.

8. That the United States Congress support and advance the efforts of tribal governments and American Indian communities to bridge their respective digital divides through the provision of grants, loans and contracts, tax incentives and infrastructure build-out services.

9. That the United States Congress use its powers as delegated by the Indian Commerce Clause to acknowledge, and protect the public interest of Indian country from competing public interests and regulatory jurisdictions and perform the following:

(a) Amend section 214(e) of the Telecommunications Act to include the following definition of unserved areas:

An unserved area is defined as service penetration 15% below the nationwide penetration rate for any communications service; or 5% below national rural penetration rate for any communications service, whichever rate is higher.

(b) Amend section 214(e) 6 of the Telecommunications Act to include tribes and acknowledge tribal regulatory authority.

(c) Provide mechanisms, with enforcement powers, for ensuring equitable, affordable and sustainable access to communications services, including broadband, broadcast and emerging technologies, in Indian country.

(d) Support tribal access and options for ownership and management of spectrum on tribal lands for both wireless and broadcast applications.

(e) Provide mechanisms to promote cooperation among tribes, state public utility commissions and the federal communications commission and remedies for resolving unforeseen conflicts.

(f) Provide public financing to tribal communities that fall under the definition of an unserved area to close any service gap.

(g) Permit the bureau of Indian affairs to allow for telecommunication entities to collocate on existing linear rights of way, such as power and water routes, so that rapid expansion of telecom services, including categorical exclusion of clearance requirements, can proceed.

10. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-110. A resolution adopted by the California State Lands Commission expressing its support for H.R. 1187; to the Committee on Energy and Natural Resources.

POM-111. A resolution adopted by the Council of the District of Columbia expressing the Council's support of amending the Home Rule Charter to increase the pay of the Chief Financial Officer, Dr. Natwar M. Gandhi; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 692. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 82. A resolution designating August 16, 2007 as "National Airborne Day".

S. Res. 171. A resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

S. Res. 173. A resolution designating August 11, 2007, as "National Marina Day".

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 720. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Robert James Jonker, of Michigan, to be United States District Judge for the Western District of Michigan.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN:

S. 1561. A bill to amend title 11, United States Code, with respect to exceptions to discharge in bankruptcy for certain qualified educational loans; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 1562. A bill to direct the Secretary of Energy to provide grants to States for the distribution of compact fluorescent lights; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. BROWNBACK, Mr. DODD, Mr. OBAMA, Mr. LIEBERMAN, Ms. KLOBUCHAR, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. WYDEN, and Mrs. CLINTON):

S. 1563. A bill to require the disclosure of certain activities relating to the petroleum industry of Sudan, to increase the penalties for violations of sanctions provisions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS:

S. 1564. A bill to amend the Social Security Act to provide health insurance converge for children and pregnant and post-partum women throughout the United States by combining the children and pregnant women

health coverage under Medicaid and SCHIP into a new All Healthy Children Program, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1565. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself, Mr. CRAIG, and Mr. THUNE):

S. 1566. A bill to amend the Oil Pollution Act of 1990 to improve that Act, and for other purposes; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR:

S. 1567. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide a renewable portfolio standard, and other purposes; to the Committee on Energy and Natural Resources.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 1568. A bill to amend the Internal Revenue Code of 1986 to encourage private philanthropy; to the Committee on Finance.

By Mr. FEINGOLD:

S. 1569. A bill to establish a pilot program on the provision of legal services to assist veterans and members of the Armed Forces receive health care, benefits and services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DeMINT (for himself and Mr. VITTER):

S. 1570. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. BINGAMAN, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 1571. A bill to reform the essential air service program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. LEAHY, Mr. DURBIN, Mr. REED, Mr. HARKIN, Ms. STABENOW, Mr. DODD, and Mr. SANDERS):

S. 1572. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 1573. A bill to promote public-private partnerships to strengthen investment in early childhood development for children from birth to entry into kindergarten in order to ensure healthy development and school readiness for all children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 1574. A bill to establish Teaching Residency Programs for preparation and induction of teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mrs. DOLE, Mrs. LINCOLN, Mr. SMITH, Mr. LEVIN, Mr. DURBIN, and Mr. MENENDEZ):

S. 1575. A bill to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. OBAMA, Mr. BINGAMAN, Mrs. CLINTON, Mr. BROWN, and Mr. DURBIN):

S. 1576. A bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority