

law, the audit performed on the agency for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4159. A communication from the Chairman, National Mediation Board, transmitting, pursuant to law, the Board's Annual Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4160. A communication from the Secretary, Postal Regulatory Commission, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner, received on November 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4161. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Agency's Financial Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4162. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4163. A communication from the Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, an annual report on the category rating system; to the Committee on Homeland Security and Governmental Affairs.

EC-4164. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4165. A communication from the Acting Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4166. A communication from the National Treasurer, Navy Wives Club of America, transmitting, pursuant to law, a report relative to the latest audit of the organization; to the Committee on the Judiciary.

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-258. A resolution adopted by the Council of the City of Espanola of the State of New Mexico in support of maintaining current federal funding levels for the operation of the Los Alamos National Laboratory; to the Committee on Energy and Natural Resources.

POM-259. A resolution adopted by the Town Council of the Town of Hypoluxo in the State of Florida urging Congress to appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Environment and Public Works.

POM-260. A resolution adopted by the Cook County Board of the State of Illinois urging Congress to support the H-1 B and L-1 B Visa Fraud and Abuse Prevention Act of 2007; to the Committee on the Judiciary.

POM-261. A resolution adopted by the Senate of the State of New York urging the New York State Congressional Delegation to make the Do Not Call Registry permanent; to the Committee on Commerce, Science, and Transportation.

RESOLUTION

Whereas, the Do Not Call Registry was established in the State of New York in 2000 to protect citizens from unwanted sales calls; it was made more effective in 2003, when it merged with the National Do Not Call Registry; and

Whereas, the National Do Not Call Registry provides citizens across the state and country with the privacy they deserve and adequate penalties for businesses which violate that privacy by persisting with unwanted phone calls; and

Whereas, the merging of the two Do Not Call Registries has effectively protected New York State residents from bothersome and unwanted phone solicitations for the last five years; and

Whereas, Due to the five year expiration of the National Do Not Call Registry, many of the first enrollees will soon again be vulnerable to telephone solicitations unless they re-enroll; Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the New York State Congressional Delegation to eliminate the 5-year expiration date and make the National Do Not Call Registry permanent; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York.

POM-262. A resolution adopted by the California State Lands Commission expressing its support for S. 1870 and H.R. 2421; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands below the mean high tide line out to three miles from the coast as well as the lands underlying California's bays, lakes, and rivers; and

Whereas, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, common law that requires these lands to be used for commerce, fishing, navigation, recreation, and environmental protection; and

Whereas, the Commission has acquired thousands of acres of valuable wetlands and lands to be restored to wetlands such as Bolsa Chica and the Cosumnes River wetlands; and

Whereas, the Commission is gravely concerned about the adverse effects greenhouse gases and climate change will have on the environmental, economic, and public value of the state lands it holds in trust; and

Whereas, wetlands have been identified as significant storehouses of carbon, possibly storing as much as 40% of global terrestrial carbon; and

Whereas, the drainage and degradation of wetlands releases large quantities of carbon dioxide (the gas that accounts for at least 60% of global warming) as well as other greenhouse gases contributing to climate change; and

Whereas, there are approximately 100 million wetland acres remaining in the continental United States, which are decreasing about 60,000 acres annually; and

Whereas, if wetlands are functioning properly, they provide not only protection against global warming, but also water quality protection, fish and wildlife habitat, natural floodwater storage, reduction in the erosive potential of surface water, and popular recreational uses; and

Whereas, wetlands have been used to manage wastewater: as the water passes through

the wetlands, suspended particles settle; pollutants are broken down by plants, microorganisms, and sediment; nutrients are absorbed; and pathogens die off; and

Whereas, wetlands are among the most biologically productive ecosystems, essential to the survival of more than one-third of the threatened and endangered species in the United States; and

Whereas, wetlands provide public use benefits, supplying opportunities for enjoying nature, hiking, biking, bird watching, hunting, fishing, and scientific study, which in the aggregate, generate several billions of dollars annually in the United States; and

Whereas, in 1972, Congress passed the Clean Water Act ("the Act") to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. The Act contains Section 404, which established a permit program involving the Environmental Protection Agency and the U.S. Army Corps of Engineers ("the Corps") to regulate discharges of pollutants (e.g. waste discharge and dredged and fill materials) into waters of the United States; and

Whereas, in 1977, the Corps issued final regulations on the permit program and explicitly included in its definition of "waters of the United States" any "isolated wetlands and lakes, intermittent streams, prairie potholes, and other waters that are not part of the tributary system to interstate waters or to navigable waters of the United States, the degradation or destruction of which could affect interstate commerce."; and

Whereas, in 2001 and compounded by a joint decision in 2006, the United States Supreme Court, first in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)* and then in *Rapanos v. United States*, issued decisions that reduced the jurisdictional scope of the Clean Water Act, undermining decades of clean water protection, and jeopardizing the future of wetlands and other waters of the United States; and

Whereas, the opinions of the split court in *Rapanos* have created great confusion as to the actual scope of the Clean Water Act, making implementation of the Act resource intensive and subject to litigation; and

Whereas, the Clean Water Restoration Act of 2007, introduced by Senator Feingold through S. 1870, and Congressman Oberstar through H.R. 2421, seeks to end jurisdictional confusion left in the wake of the *Rapanos* case by codifying the Corps' definition of "waters of the United States," which federal agencies have used to enforce the Clean Water Act for over 30 years; Therefore be it

Resolved by the California State Lands Commission, That it supports the Clean Water Restoration Act of 2007 (S. 1870 and H.R. 2421), which would affirm federal protections for waters of the United States, including wetlands, tributaries, headwaters and streams, through the Clean Water Act; and be it further

Resolved, That the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, to the Chairs and Ranking Minority Members of the Senate Committee on Environment and Public Works, the House Committee on Energy and Commerce, to each Senator and Representative from California in the Congress of the United States, to the U.S. Army Corps of Engineers, and to the Environmental Protection Agency.

POM-263. A resolution adopted by the Senate of the State of Michigan in support of

the plan of the Detroit International Bridge Company to establish an enhancement span to the Ambassador Bridge; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 123

Whereas, the Ambassador Bridge between Detroit and Windsor exemplifies efficiency and solid security practices that a private and public partnership can provide to the citizens of Michigan, the United States, and Canada and has been recognized by the United States Federal Highway Administration as the most efficient international crossing; and

Whereas, the Detroit International Bridge Company (DIBC) crossing plan to develop an enhancement span of the Ambassador Bridge would provide for an additional crossing between the cities of Detroit and Windsor to meet the traffic needs of the region for years to come; and

Whereas, the DIBC has stated it will work with the state of Michigan to leverage the private investment used in the creation of an enhancement span to help garner \$2 billion in match funding to be used to improve Michigan's roads and bridges by qualifying DIBC expenditures as toll credits under federal law; and

Whereas, the Detroit River International Crossing (DRIC) study, being carried out by the Michigan Department of Transportation, the U.S. Federal Highway Administration, Transport Canada, and the Ontario Ministry of Transportation, calls upon the need for an additional span and continues to study alternate sites for a new bridge, while private investors are willing to construct and operate a second crossing to be financed without expense to the taxpayer; and

Whereas, the state of Michigan has made a significant investment to improve the traffic flow to the current Ambassador Bridge through initiatives such as the Gateway Project to address traffic flow from the freeway and interstates to the Ambassador Bridge, as well as improving the plaza to accommodate international commerce; Now, therefore, be it

Resolved by the Senate, That we support the plan of the Detroit International Bridge Company to establish an enhancement span to the Ambassador Bridge; and be it further

Resolved, That we urge the Michigan Strategic Fund to immediately approve an Inducement Resolution for Private Activity Bonds for the DIBC enhancement span and Gateway connections to the Ambassador Bridge; and be it further

Resolved, That we urge both the United States and Canadian governments to expedite the permits to complete the DIBC enhancement span to allow for the second crossing to become operational in a timely fashion; and be it further

Resolved, That we urge that the DRIC study recognize and support the DIBC's plan to develop an enhancement span; and be it further

Resolved, That we recommend that the Canadian government finish the improvements to alleviate traffic flow concerns in Windsor from Canadian Highway 401 to the Ambassador Bridge; and be it further

Resolved, That copies of this 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, the members of the Michigan congressional delegation, the Prime Minister of Canada, the Ontario Parliamentary delegation, the mayor of Detroit, and the mayor of Windsor.

POM-264. A resolution adopted by the House of Representatives of the State of Michigan urging the Secretary of State to

increase efforts to urge the People's Republic of China to halt its violation of the human rights of its citizens; to the Committee on Finance.

HOUSE RESOLUTION NO. 109

Whereas, Falun Gong, which is also known as Falun Dafa, is a traditional Chinese discipline of personal beliefs that is based on the principles of truthfulness, compassion, and forbearance. Falun Gong attracts millions of people of all ages and backgrounds is practiced in over 80 countries over the world; and

Whereas, over the past several years, authorities in the People's Republic of China have taken strong and brutal actions against practitioners of Falun Gong. Reports indicate that tens of thousands of people have been tortured and sent to labor camps, and property owned by those who follow this discipline has been destroyed or confiscated. Independent investigations also report that large-scale organ harvesting for transplant involves organs taken from non-consenting prisoners, with the major target group being Falun Gong practitioners; and

Whereas, the persecution of practitioners of Falun Gong is in apparent violation of the People's Republic of China's own constitution and a flagrant violation of standards of human rights recognized by the United Nations and most governments of the world; and

Whereas, citizens of Michigan who practice Falun Gong and those who understand this discipline cannot fathom the reaction of the Chinese authorities. Indeed, those who value human rights seek an increase of efforts to urge the People's Republic of China to halt this persecution; Now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Secretary of State to increase efforts to urge the People's Republic of China to recognize and protect the human rights of its citizens and halt the persecution of and forced harvesting of organs from practitioners of Falun Gong; and be it further

Resolved, that copies of this resolution be transmitted to the United States Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-265. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to enact federal legislation designed to prevent elder abuse; to the Committee on Finance.

HOUSE RESOLUTION NO. 207

Whereas, the number of older Americans is increasing, and with it the problem of elder abuse and exploitation. Older Americans constitute a vulnerable population that often suffer physical and emotional abuse and can often be targets of identity theft and other fraudulent financial schemes; and

Whereas, in response to concerns about elder abuse, federal legislation has been introduced that would focus attention on this problem and promote an infrastructure at the federal, state, and local levels to protect these vulnerable Americans. The Elder Justice Act, S. 1070 and H.R. 1783, would assure that individuals and organizations on the front lines, who are fighting elder abuse, have the resources and information needed to carry out their fight; and

Whereas, This legislation would create a comprehensive and multidisciplinary approach to protecting older Americans. The Elder Justice Act would improve research and data collection, enhance training of individuals who fight elder abuse, and promote the development of an effective adult fiduciary system, including an adult guardian-

ship system. Among other things, this legislation would also create a short and long term strategic plan for the development and coordination of elder justice research, programs, and training; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact federal legislation designed to prevent elder abuse; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-266. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to repeal Title II of the REAL ID Act of 2005; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 176

Whereas, the state of Michigan denounces and condemns all acts of terrorism, wherever the acts occur; and

Whereas, the Intelligence Reform and Terrorism Prevention Act (IRTP) of 2004 called for reforms that would make identification documents more secure, harder to force, and more difficult to fraudulently obtain; and

Whereas, the IRTP Act of 2004 recognized that imposing federal mandates and standards onto state driver's licenses raised important questions on the federal government's ability and role in interfering with identification cards wholly owned by the states, especially when there are federal alternatives. As a result, the Act sought to establish identification security guidelines by a shared and negotiated rulemaking process in full partnership with the states; and

Whereas, the REAL ID Act of 2005, without benefit of Senate hearings or testimony, was abruptly attached as a rider to a must-pass military spending and tsunami relief bill (PL 109-13). Its passage effectively repealed the negotiated rulemaking process already under way as a result of the IRTP Act of 2004, replacing it with methodology designed to directly impose federal standards onto a state's wholly owned licenses under REAL ID. The draft rules for obtaining a REAL ID are more stringent than those the federal government requires for its own passports or social security cards; and

Whereas, under these new standards, the REAL ID Act sets mandated deadlines in the near future under which Michigan's current licenses cannot be used for any federal purpose, including, but not limited to, activities such as boarding domestic airline flights, opening most bank accounts, and gaining entrance to federal buildings such as courts. While citizens could alternatively use passports for such purposes, whether or not non-REAL ID licenses could still be used for the federal purpose of obtaining a passport has not been definitively clarified; and

Whereas, the REAL ID Act puts the Department of Homeland Security in charge of determining the as of yet published final rules that would mandate what information would be included on Michigan's driver's licenses, with whom the data must be shared, what biometrics may ultimately be used on the cards, and what encoding or other machine-readable technology may ultimately be required. Such action creates a precedent where different or additional rules could also be created again by the federal government in the future; and

Whereas, the REAL ID Act would mandate that Michigan must link parts of its Secretary of State database to the departments of motor vehicles of all other states, in effect creating a single shared national database, while at the same time REAL ID sets no

standards whatsoever on the security measures that states must use for gateway access to other states' databases, allows for non-governmental third parties to administer such databases, and sets absolutely no limits on how non-governmental entities will mandate use of the cards for goods, services, or other purposes; and

Whereas, Real ID is an unfunded mandate and the Department of Homeland Security estimates that the regulations will cost the states and consumers \$23 billion to implement; and

Whereas, regardless of who pays for the costs of REAL ID, it would federalize Michigan's driver's licenses by determining under what conditions the card can be used, what information has to be collected and put on the cards, what machine-readable technology the information is encoded under, and to whom the state must give such data. This federalization and creation of a de facto national identification card occurs without the benefit of a shared, negotiated rulemaking process with the states regarding the co-optation of their wholly owned licenses; and

Whereas, as a result of these concerns and a recognition that needed reforms can be accomplished without the negative aspects of REAL ID, seventeen states have already passed bills or resolutions rejecting, asking for repeal, or putting limitation on whether or not they will participate in REAL ID. These states include Arkansas, Colorado, Georgia, Hawaii, Idaho, Illinois, Maine, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oklahoma, South Carolina, Tennessee, and Washington. Ten other states have anti-REAL ID initiatives that have passed one chamber; and

Whereas, Federal S. 117, the Identification Security Enhancement Act of 2006 sponsored by Senators Sununu (R-NH) and Akaka (D-HI), and similar current legislation, replaces REAL ID with language taken from the original Intelligence Reform and Terrorism Prevention Act of 2004. The proposed legislation takes a more measured approach to mandating tougher standards for driver's licenses by requiring that new guidelines be developed by a shared rulemaking process that would fully involve all states and other key stakeholders; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to repeal Title II of the REAL ID Act of 2005, and to support a return to a negotiated rulemaking process with the states, such as called for in S. 117, the Identification Security Enhancement Act of 2006; and be it further

Resolved, That the Michigan Legislature will not appropriate funds nor enact legislation for the implementation of Title II of the REAL ID Act of 2005; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-267. A resolution adopted by the Senate of the Commonwealth of Puerto Rico urging the release of three Puerto Rican political prisoners; to the Committee on the Judiciary.

RESOLUTION

Puerto Ricans Carlos Alberto Torres, Oscar López-Rivera and Haydée Beltrán have been imprisoned in the United States for twenty-seven years, serving time for causes related to the fight for the independence of Puerto Rico. Other political prisoners, who were serving equally disproportionate sentences,

have already been released, first, under the Administration of Jimmy Carter, and subsequently, in 1999, under the Administration of William J. Clinton.

The cause for the release of these fellow countrymen has united Puerto Ricans of all creeds. Political, religious and civic institutions have claimed for the return home of Carlos Alberto, Oscar and Haydée. Their long imprisonment, far from serving a purpose, has become a sign of inhumanity and injustice. International entities have joined the consensus reached in Puerto Rico for the release of our prisoners.

The Senate of Puerto Rico also joins in solidarity to petition the President of the United States, George W. Bush, that in the exercise of his prerogatives, he orders the immediate and unconditional release of prisoners Carlos Alberto Torres, Oscar López-Rivera and Haydée Beltrán.

Be it resolved by the Senate of Puerto Rico:

Section 1.—To petition the President of the United States, George W. Bush, to order the immediate and unconditional release of prisoners Carlos Alberto Torres, Oscar López-Rivera and Haydée Beltrán.

Section 2.—A copy of this Resolution translated into English shall be delivered to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives of the United States, to the President pro tempore of the Senate of the United States, to the Resident Commissioner of Puerto Rico in Washington, and to the Majority and Minority Leaders in the House and in the Senate of the United States. It shall also be remitted by electronic mail to the members of the Senate and of the House of Representatives of the United States.

Section 3.—This Resolution shall take effect immediately after its approval.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1245. A bill to reform mutual aid agreements for the National Capitol Region (Rept. No. 110-237).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*John S. Bresland, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

*John S. Bresland, of New Jersey, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

*Charles Russell Horner Shearer, of Delaware, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

*Thomas C. Gilliland, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2011.

*William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012.

*Susan Richardson Williams, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012.

By Mr. LEAHY for the Committee on the Judiciary.

*Ronald Jay Tenpas, of Maryland, to be an Assistant Attorney General.

*Gregory A. Brower, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

*Diane J. Humetewa, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

*Edmund A. Booth, Jr., of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. KENNEDY (for himself, Mr. DODD, Mrs. CLINTON, and Mr. OBAMA):

S. 2419. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 2420. A bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER (for himself and Mr. BROWNBACK):

S. 2421. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. LEAHY, and Mr. FEINGOLD):

S. 2422. A bill to amend title 18, United States Code, to prohibit certain computer-assisted remote hunting, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2423. A bill to facilitate price transparency in markets for the sale of emission allowances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COLEMAN (for himself, Mr. HARKIN, Mr. DOMENICI, Ms. KLOBUCHAR, Ms. COLLINS, and Ms. LANDRIEU):

S. 2424. A bill to ensure that all Americans have basic health literacy skills to function effectively as patients and health care consumers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mr. SCHUMER, Mr. DOMENICI, Mr. BINGAMAN, Mr. KYL, and Mrs. MURRAY):