

S. 3040

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3040, a bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances.

S. RES. 569

At the request of Mr. INOUE, his name was added as a cosponsor of S. Res. 569, a resolution expressing the sense of the Senate regarding the earthquake that struck Sichuan Province of the People's Republic of China on May 12, 2008.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 3045. A bill to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Kenai Mountains-Turnagain Arm National Forest Heritage Area would be the first Heritage Area in Alaska, and one of a few Heritage Areas in the West. Our proposal encompasses the wide mountainous corridor that was the major gateway to pioneer settlement of the State, extending from Seward through the Kenai Mountains to the upper Turnagain Arm. Here mountain trails developed by indigenous First Alaskans became prospectors' trails and, eventually, the roads and railroad used by the pioneers who settled the last frontier of the United States. Transportation, resource development and settlement in this rugged, often-treacherous landscape provide a powerful reminder of the fortitude and resourcefulness of the pioneers of America's Last Frontier.

Historic communities that were developed around mining and early transportation routes have preserved much of their original character. A visit to the Hope Townsite is a visit to a living community that still resembles the gold rush town that it was before the rush to the Klondike. The City of Whittier provides a glimpse of our Nation's intense effort to develop an ice-free port to supply troops who were defending our boundaries in Alaska during World War II. As in the early days, all the signs of human activity in the corridor are dwarfed by the sweeping landscapes of the region, by the magnificence of the mountains, glaciers and tidal fjords and the dominance and power of nature. Turnagain Arm, once a critical transportation link, has one of the world's greatest tidal ranges.

This Heritage Area proposal, truly a grass roots product, began in 1997 when the Kenai Peninsula Historical Association asked a group of local community leaders to reach out and tell people about Heritage Areas. They were successful in garnering support from

communities throughout the corridor. These local folks have extensive knowledge of the resources; they are personally acquainted with the area; they understand the ruggedness and the beauty of the land, and certainly appreciate the potential economic value this designation would bring to the area.

In 2000 these community leaders organized the Kenai Mountains-Turnagain Arm National Heritage Area Corridor Communities Association as a non-profit organization with a board of directors made up of corridor community representatives. Later a congressionally designated grant made it possible for the new non-profit to serve as a local coordinating entity and prove its ability to plan and accomplish projects consistent with Heritage Area purposes. Through their management of the grant, historic structures were preserved, a small museum has opened, parks and pavilions with historic interpretation have been constructed, oral histories have been collected from old-timers and recorded, and an excellent book on corridor history has been published.

Since the corridor is within the western part of the Chugach National Forest, the Association has asked to put this Heritage Area under the Secretary of Agriculture. The bill provides for coordination with the Secretaries of Interior and includes the same components, structure and national recognition as Heritage Areas under the Secretary of Interior. Similar components assure that the Heritage Area will not impact private property rights or public land management. A Memorandum of Understanding between the Secretaries of Agriculture and Interior would establish coordination at the Secretarial level. Passage of this bill will be an excellent way to commemorate the recent centennial of the Chugach National Forest.

I am proud to lend my support to this grassroots effort by introducing legislation today to designate the Kenai Mountains-Turnagain Arm in Alaska as our most northern and western National Heritage Area, the first National Heritage Area in Alaska and the first National Forest Heritage Area to be assisted by the U.S. Forest Service.

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

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

S. 3045

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Kenai Mountains-Turnagain Arm National Forest Heritage Area Act".

#### SEC. 2. FINDINGS AND PURPOSES.

- (a) FINDINGS.—Congress finds that—
- (1) the Kenai Mountains-Turnagain Arm transportation corridor—
    - (A) is a major gateway to Alaska;
    - (B) includes a range of transportation routes used by—

- (i) indigenous people; and
  - (ii) the pioneers that settled the last frontier of the United States;
- (C) is located in the heart of the Chugach National Forest, which was established by presidential proclamation on July 23, 1907, by Theodore Roosevelt; and
- (D) includes a historically significant segment of the Iditarod Trail connecting Seward and Nome, which was—
- (i) scouted by the Alaska Road Commission in 1908; and
  - (ii) designated as the Iditarod National Historic Trail in 1978;
- (2) the cultural landscape formed by indigenous people and by settlement, transportation, and modern resource development in the rugged and often treacherous natural setting of the transportation corridor provides a powerful testimony to the human fortitude, perseverance, and resourcefulness of the people who—
- (A) settled the frontier; and
  - (B) represent the proudest heritage of the United States;
- (3) the natural history and scenic splendor of the transportation corridor are equally outstanding;
- (4) the transportation corridor includes vistas of the power of nature, such as evidence of earthquake subsidence, recent avalanches, retreating glaciers, and tidal action along Turnagain Arm, which has the second greatest tidal range in the world;
- (5) there is a national interest in recognizing, preserving, promoting, and interpreting the resources of the transportation corridor;
- (6) the Kenai Mountains-Turnagain Arm region is—
- (A) geographically and culturally cohesive; and
  - (B) defined by a corridor of historic routes, trails, water, railroads, and roadways through a distinct landscape of mountains, lakes, and fjords;
- (7) the region played a unique role as a portal and transportation corridor through which indigenous people, explorers, missionaries, gold miners, cannery workers, big game hunters, homesteaders, foresters, railroad workers, military personnel, and petroleum developers traveled into southcentral and interior Alaska as part of the waves of travel that characterized the history of the United States;
- (8) the region exhibits a high degree of integrity with vast tracks of rugged, undeveloped areas and natural scenery that still look much as the area did to the original inhabitants, the indigenous people, and early explorers and pioneers of the region;
- (9) studies that led to the designation of the Iditarod National Historic Trail, the Seward Highway All American Road, and the Alaska Railroad National Scenic Railroad—
- (A) determined the national significance of separate transportation routes traversing the region; and
  - (B) illustrate the national significance of heritage resources in the region;
- (10) designation of the transportation corridor as a national heritage area—
- (A) provides for a comprehensive interpretation of human history in the wide transportation corridor through the Kenai Mountains and upper Turnagain Arm, including early Native trade routes, historic waterways, mining trails, historic communities, and the 3 designated routes of national significance referred to in paragraph (9);
  - (B) recognizes the national significance of the Kenai Mountains-Turnagain Arm transportation corridor, including—
    - (i) the historic and modern resource development of the transportation corridor; and

(ii) the cultural, natural, and recreational resources and landscapes of the transportation corridor; and

(C) would provide assistance to local communities, Indian tribes, and residents of the transportation corridor in—

(i) preserving and interpreting cultural and historic resources; and

(ii) fostering cooperative planning and partnerships;

(1) an additional feasibility study for the Heritage Area is not needed before designation of the Heritage Area because the studies referred to in paragraph (9) provide sufficient documentation of—

(A) the national significance of heritage resources in the region; and

(B) the support of local communities for designation of the Heritage Area; and

(2) the Kenai Mountains-Turnagain Arm National Forest Heritage Corridor Communities Association—

(A) has been formed as a nonprofit corporation to act as the Local Coordinating Entity for the Heritage Area; and

(B) is governed by bylaws that define the purposes of the Association as the purposes established by Congress for the Kenai Mountains-Turnagain Arm National Forest Heritage Area.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor; and

(2) to promote and facilitate the public enjoyment of the resources.

### SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term “Heritage Area” means the Kenai Mountains-Turnagain Arm National Forest Heritage Area established by section 4(a).

(2) LOCAL COORDINATING ENTITY.—The term “Local Coordinating Entity” means the local coordinating entity for the Heritage Area designated by section 5(a).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area developed under section 6.

(4) MAP.—The term “map” means the map entitled “Draft Proposed NHA Kenai Mountains-Turnagain Arm” and dated August 7, 2007.

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(6) STATE.—The term “State” means the State of Alaska.

### SEC. 4. ESTABLISHMENT OF KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL FOREST HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Kenai Mountains-Turnagain Arm National Forest Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(1) the appropriate offices of the Forest Service, Chugach National Forest;

(2) the Alaska Regional Office of the National Park Service; and

(3) the Alaska State Historic Preservation Officer.

### SEC. 5. LOCAL COORDINATING ENTITY.

(a) DESIGNATION.—The Kenai Mountains-Turnagain Arm National Forest Heritage Corridor Communities Association, a nonprofit corporation chartered in the State, shall be the local coordinating entity for the Heritage Area.

(b) DUTIES.—To further the purposes of the Heritage Area, the Local Coordinating Entity shall—

(1) in accordance with section 6, prepare and submit to the Secretary a management plan for the Heritage Area;

(2) for any fiscal year for which the Local Coordinating Entity receives Federal funds under this Act—

(A) submit an annual report to the Secretary that describes—

(i) the specific performance goals and accomplishments of the Local Coordinating Entity;

(ii) the expenses and income of the Local Coordinating Entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and the sources of the leveraging; and

(v) any grants made to any other entities during the fiscal year; and

(B) make available to the Secretary for audit any information relating to the expenditure of—

(i) the Federal funds; and

(ii) any matching funds; and

(3) encourage, consistent with the purposes of the Heritage Area, the economic viability and sustainability of the Heritage Area.

(c) AUTHORITIES.—For the purposes of developing and implementing the management plan for the Heritage Area, and subject to section 9(c), the Local Coordinating Entity may use Federal funds made available under this Act to—

(1) make grants to units of local government, nonprofit organizations, and other parties within the Heritage Area;

(2) enter into agreements with, or provide technical assistance to, Federal agencies, units of local government, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historic, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal laws or programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that—

(A) further the purposes of the Heritage Area; and

(B) are consistent with the management plan.

(d) PUBLIC MEETINGS.—

(1) IN GENERAL.—Annually, the Local Coordinating Entity shall conduct at least 2 meetings open to the public regarding the development and implementation of the management plan.

(2) NOTICE; AVAILABILITY OF MINUTES.—The Local Coordinating Entity shall—

(A) publish a notice of each public meeting in a newspaper of general circulation in the Heritage Area; and

(B) make the minutes of the meeting available to the public.

(e) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The Local Coordinating Entity shall not use Federal funds authorized under this Act to acquire any interest in real property.

### SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan, the Local Coordinating Entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) include—

(A) a list of comprehensive policies, goals, strategies, and recommendations for actions and projects consistent with the purposes of the Heritage Area;

(B) a description of proposed actions and financial commitments of governments (including tribal governments) and private organizations that would accomplish the purposes of the Heritage Area;

(C) a description of the role and participation of the Federal Government and State, tribal, and local governments that have jurisdiction over land within the Heritage Area; and

(D) an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(2) identify existing and potential sources of funding to accomplish the recommended actions and projects for the Heritage Area;

(3) include a business plan that—

(A) describes the role, operation, financing, and functions of—

(i) the Local Coordinating Entity; and

(ii) each of the major activities addressed in the management plan; and

(B) provides adequate assurances that the Local Coordinating Entity has the partnerships and financial and other resources necessary to implement the management plan; and

(4) be consistent with Federal, State, borough, and local plans, including—

(A) the plans for the Chugach National Forest and the Kenai Fjords National Park; and

(B) State transportation and historic management plans.

(c) TERMINATION OF FUNDING.—If the Local Coordinating Entity does not submit the management plan to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the Local Coordinating Entity shall be ineligible to receive additional funding under this Act until the date on which the management plan is approved by the Secretary.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) CONSIDERATIONS.—In determining whether to approve or disapprove the management plan under paragraph (1), the Secretary shall consider whether—

(A) the Local Coordinating Entity—

(i) has afforded adequate opportunities for public and governmental involvement in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(B) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) the management plan—

(i) is consistent with applicable Federal, State, borough, and local plans; and

(ii) would not adversely affect any activities authorized on Federal land;

(D) the Local Coordinating Entity, in partnership with other entities, has demonstrated the financial capability to carry out the management plan;

(E) the Secretary has received adequate assurances from State and local officials, the

support of which is needed to ensure the effective implementation of the State and local elements of the management plan; and

(F) the management plan demonstrates sufficient partnerships among the Local Coordinating Entity, the Federal Government, State and local governments, regional planning organizations, nonprofit organizations, or private sector parties to implement the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the Local Coordinating Entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 180 days after the receipt of any proposed revision of the management plan, approve or disapprove the proposed revision.

(e) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review and approve any substantial amendments to the management plan in accordance with subsection (d).

(2) USE OF FUNDS.—Funds made available under this Act shall not be expended by the Local Coordinating Entity to implement any changes made by an amendment described in paragraph (1) until the Secretary approves the amendment.

(f) IMPLEMENTATION.—In implementing the management plan, the Local Coordinating Entity shall give priority to—

(1) carrying out programs that recognize important resource values within the Heritage Area;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits within the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness of, and appreciation for, the natural, historic, and cultural resources of the Heritage Area, including the contributions of local Indian tribes;

(6) providing opportunities for expanding the public perception of the need for modern resource development of the Heritage Area;

(7) restoring historic buildings and structures that are located within the Heritage Area; and

(8) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are appropriately placed in the Heritage Area.

#### SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Secretary of the Interior to establish a general framework for cooperation and consultation in the development and implementation of the management plan.

(b) AUTHORITIES.—The Secretary may—

(1) subject to the availability of funds, provide technical and financial assistance for the development and implementation of the management plan;

(2) enter into cooperative agreements with interested parties to carry out this Act; and

(3) in partnership with the Local Coordinating Entity, provide information on, promote understanding of, and encourage research on the Heritage Area.

(c) INFORMATION RELEASED BY THE SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall include the Heritage Area in all nationwide releases, listings, or maps that provide public information about the system of national heritage areas.

#### SEC. 8. PRIVATE PROPERTY PROTECTIONS.

(a) IN GENERAL.—Nothing in this Act—

(1) grants powers of zoning or management of land use to the Local Coordinating Entity;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or any State, tribal, or local government to manage or regulate any use of land under applicable laws (including regulations);

(3) requires any private property owner to allow public access to the private property, including access by the Federal Government or tribal, State, or local governments;

(4) modifies any provision of Federal, tribal, State, or local law with respect to public access to, or use of, private property;

(5) obstructs or limits—

(A) business activities on private developments; or

(B) resource development activities;

(6) affects the rights of private property owners;

(7) restricts or limits an Indian tribe from protecting cultural or religious sites on tribal or Native Corporation land; or

(8) requires the owner of any private property located within the boundaries of the Heritage Area to participate in, or be associated with, the Heritage Area.

(b) APPLICABLE LAW.—Designation of the Heritage Area under this Act does not convey status to the Heritage Area as a conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102)).

(c) LIABILITY.—Designation of the Heritage Area does not create any liability for, or affect any liability under any other law of, any private property owner with respect to a person injured on the private property.

(d) EFFECT OF ESTABLISHMENT.—Designation of the Heritage Area does not establish any regulatory authority on land use within the Heritage Area or the viewshed for the Federal Government or any State or local government.

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated and made available to the Local Coordinating Entity to carry out the development and implementation of the management plan—

(1) \$350,000 for fiscal year 2008; and

(2) \$500,000 for fiscal year 2009 and each fiscal year thereafter.

(b) LIMITATION.—Notwithstanding subsection (a), not more than \$7,500,000 is authorized to be appropriated for the Heritage Area.

(c) COST SHARING REQUIREMENT.—To the maximum extent practicable, the Federal share of the total cost of any activity carried out using assistance under this Act shall be not more than 75 percent, including the contribution of in-kind services.

#### SEC. 10. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Mr. BROWNBACK (for himself, Mr. CASEY, Mr. COLEMAN, Mr. SPECTER, and Mr. INHOFE):

S. 3046. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise to speak about a bill I introduced today: the Access, Compassion, Care and Ethics for Seriously-ill Patients Act, ACCESS, Act. I would like to thank the original Senate cosponsors: Senators BOB CASEY, NORM CROLEMAN,

ARLEN SPECTER and JAMES INHOFE. I also especially thank Representative DIANNE WATSON who will be introducing the companion bill in the U.S. House of Representatives.

In the current era, certain cancers and other chronic diseases touch the lives of almost every American. If you have had the experience of a family member or friend struggling with terminal illness, you were probably aware of their need and limited timeline to access promising treatments. Unfortunately, the current system often does not work for the benefit of terminally-ill patients—during emotionally-charged times, patients and their families may face regulatory and bureaucratic hurdles if they wish to access investigational treatment options in order to preserve their lives. Many terminally-ill patients exhaust their treatment options and do not qualify for a clinical trial. They also do not physically have months to wait for an individual investigational treatment application to be approved.

In this day and age of scientific breakthroughs, we must embrace these advances and do so with a “patient-centered” mindset. Terminally-ill patients often reach a point where the potential benefits of these breakthrough treatments outweigh their inevitable risk of death from their disease.

I introduced the ACCESS Act to offer these patients an ethical option—compassionate access to treatments that show promise earlier in the drug development process. The average time for a treatment to go through the entire FDA approval process is 15 years. As a result, the current system tends to benefit future generations of patients with life-threatening diseases, rather than patients of the present time.

The ACCESS Act offers a new Compassionate Investigational Access approval system for treatments showing efficacy during clinical trials, for use by the seriously-ill patient population. Seriously-ill patients who have exhausted all alternatives and are seeking new treatment options, would be offered access to these treatments with the consent of their physician. This bill also improves upon the existing accelerated approval system, using a patient-centered framework. The ACCESS Act also makes a technical correction that will increase patient access to drugs used off-label to treat life-threatening diseases.

I ask my colleagues to join me in supporting the ACCESS Act that would offer patients, with little hope, a chance at life.

By Mr. BROWN:

S.J. Res. 33. A joint resolution recognizing the efforts of the Ohio Department of Mental Health and the Ohio Department of Alcohol and Drug Addiction Services to address the stigma associated with mental health and substance use disorders; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, May is National Mental Health Month. This proud tradition was started over 50 years ago. Each May, the mental health community comes together to raise awareness about mental health disorders and to celebrate recovery. The last 50 years have seen significant progress in the treatment of mental disorders.

We know that with treatment and support, it is possible to recover.

Dr. Fred Frese knows this first hand. I met Dr. Frese at a roundtable that I held in Cleveland, Ohio. Dr. Frese served as Director of Psychology at Western Reserve Psychiatric Hospital for 15 years. He is currently an Assistant Professor of Psychology in Clinical Psychiatry at Case Western Reserve University and Northeastern Ohio Universities College of Medicine. He has authored and reviewed numerous articles and chapters, lectured in several countries and served on the boards of trustees of various organizations that work on behalf of individuals with disabilities.

In 1999, Dr. Frese received the Hildreth Award, the highest honor given by the American Psychological Association's Psychologists in Public Service Division. Over the course of his career, he has testified numerous times before both houses of the United States Congress. Dr. Frese's career has been remarkable. His life has been remarkable.

He has been living with paranoid schizophrenia since 1966. Dr. Frese is remarkable. But his recovery is not unusual.

Many people stricken with mental illness can and do recover with appropriate treatment. But the stigma associated with mental health disorders can discourage people from getting the help they need. The U.S. Surgeon General's seminal report on mental health cites stigma as a significant barrier to recovery.

I am proud to say that Ohio's Departments of Mental Health and Alcohol and Drug Addiction Services are doing something about it. They have launched a "Think Outside the Stigma" campaign, a public information effort to increase awareness about the misperceptions associated with mental health and substance use disorders.

Today I am introducing a resolution commending this campaign.

My colleague in the house, Congressman Zack Space, is offering a companion resolution.

Imagine a world where individuals with mental disorders are supported and treated, not marginalized and discriminated against. Imagine a world where we see individuals first and disability second. Imagine the wealth of talent and resources that individuals with mental illness can realize with treatment. Individuals like Dr. Frese.

We must work together to overcome the unfair and unnecessary burden of stigma associated with mental illness and substance use disorders. We know

that treatment can work. We know that people can recover. We know that Americans are well worth the investment.

We know that Americans are well worth the investment.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 572—CALLING UPON THE COURT OF APPEAL FOR THE SECOND APPELLATE DISTRICT OF CALIFORNIA TO UPHOLD THE FUNDAMENTAL AND CONSTITUTIONAL RIGHT OF PARENTS TO DIRECT THE UPBRINGING AND EDUCATION OF THEIR CHILDREN

Mrs. DOLE submitted the following resolution; which was referred to the Committee on the Judiciary:

##### S. RES. 572

Whereas the modern homeschool movement in the United States demonstrates that homeschooled children are a vital component of the United States education system;

Whereas homeschool graduates act responsibly as parents and as students in colleges and universities, are valuable in the workplace, and are productive citizens in society at large;

Whereas many studies confirm that children who are educated at home score considerably above the national average on nationally-normed achievement tests, and above the average on both the SAT and ACT college entrance exams;

Whereas homeschooled children, such as 2007 Heisman Trophy winner Tim Tebow, are receiving national recognition for their victories in national competitions, such as national spelling bees and geography bees, and are being highly sought after by nationally-recognized colleges and universities;

Whereas homeschooling families contribute significantly to the cultural diversity important to a healthy society;

Whereas notable individuals such as Benjamin Franklin, John Quincy Adams, Patrick Henry, Ansel Adams, Charles Dickens, and General Douglas MacArthur all received a high-quality education at home;

Whereas over 2,100,000 children are being homeschooled nationwide;

Whereas the Supreme Court has ruled that parents have a fundamental and constitutional right to direct the upbringing and education of their children, in the cases of *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), *Meyer v. Nebraska*, 262 U.S. 390 (1923), and *Wisconsin v. Yoder*, 406 U.S. 205 (1972);

Whereas on February 28, 2008, the Court of Appeal for the Second Appellate District of California, in Los Angeles, California, issued an opinion in the case of *In re Rachel L.*, 73 Cal. Rptr. 3d 77 (Cal. Ct. App. 2008), that homeschool parents who did not hold a teaching credential could not legally homeschool their children;

Whereas the initial decision by the Court of Appeal in that case would have had an adverse impact on approximately 166,000 children in California who are receiving a quality education at home; and

Whereas on March 25, 2008, the Court of Appeal granted a motion for rehearing in the *In re Rachel L.* case, with respect to the decision that required parents to hold a teaching credential in order to legally homeschool their children; Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Court of Appeal for the Second Appellate District of California, in

Los Angeles, California, for allowing a rehearing in the case of *In re Rachel L.*, 73 Cal. Rptr. 3d 77 (Cal. Ct. App. 2008); and

(2) calls upon the court to uphold the Supreme Court's opinion that parents have a fundamental and constitutional right to direct the upbringing and education of their children.

SENATE RESOLUTION 573—RECOGNIZING CUBA SOLIDARITY DAY AND THE STRUGGLE OF THE CUBAN PEOPLE AS THEY CONTINUE TO FIGHT FOR FREEDOM

Mr. MARTINEZ (for himself, Mr. MENENDEZ, Mr. ENSIGN, Mr. NELSON of Florida, Mr. COLEMAN, and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

##### S. RES. 573

Whereas the Cuban regime continues to deny the basic human rights of its citizens;

Whereas the Cuban people are denied freedom of the press, freedom of speech, and freedom to peaceful assembly;

Whereas the Cuban regime refuses to hold free and fair elections in order to elect a democratic government that represents the will of the people;

Whereas Freedom House recently rated Cuba as 1 of the 8 most oppressive regimes in the world;

Whereas the Cuban regime is currently holding more than 220 political prisoners according to Amnesty International, Human Rights Watch, and Reporters Without Borders;

Whereas these prisoners are illegally held in prison contrary to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which Cuba has signed and recognizes;

Whereas 55 of the 75 political activists imprisoned in the March 2003 crackdown (known as "Black Spring") including independent journalists and union members, remain in prison;

Whereas the wives of these prisoners, known as the Ladies in White, continue to be assaulted for simply seeking information regarding the March 2003 arrests, most recently on April 21, 2008, when the Ladies in White were violently dragged from a peaceful sit-in by Cuban officials;

Whereas prisoners face inhuman and unsafe prison conditions, including the denial of medical treatment; and

Whereas on May 21, 2008 communities around the world will celebrate Cuba Solidarity Day, a day for the world to join together in the fight against oppression in Cuba: Now therefore, be it

*Resolved*, That the Senate—

(1) celebrates Cuba Solidarity Day;

(2) recognizes the injustices faced by the people of Cuba under the current regime; and

(3) stands in solidarity with the Cuban people as they continue to work towards democratic change in their homeland.

SENATE CONCURRENT RESOLUTION 83—SUPPORTING THE GOALS AND IDEALS OF NATIONAL BETTER HEARING AND SPEECH MONTH

Mr. REID (for Mrs. CLINTON (for herself and Mrs. MURRAY)) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions: