

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 3:16 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 39. An act to repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze".

S.J. Res. 8. Joint resolution providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 895. A bill to prevent mortgage foreclosures and enhance mortgage credit availability.

S. 896. A bill to prevent mortgage foreclosures and enhance mortgage credit availability.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1374. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Karl W. Eikenberry, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1375. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Columbus, Georgia" (MB Docket No. 08-100) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1376. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Augusta, Georgia" (MB Docket No. 08-103) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1377. A communication from the Chief of Staff, Media Bureau, Federal Communica-

tions Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Des Moines, Iowa" (MB Docket No. 09-22) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1378. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "General Jurisdiction Over Freight Forwarder Service" (RIN2126-AA25) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1379. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Atlantic High and San Juan Low Offshore Airspace Areas; East Coast, United States" (Docket No. FAA-2008-1259) (Airspace Docket No. 08-ASO-1) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1380. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, 2B, and 2B1 Turbohaft Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0302)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1381. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. ALF502L-2 and ALF502L-2C Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2008-1207)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1382. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CF6-80A Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2008-0827)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1383. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30661) (Amendment No. 3317)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1384. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0124)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1385. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PILATUS AIRCRAFT LTD. Models PC-12 and PC-12/45 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0126)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1386. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A Series, 206B Series, 206L Series, 407, and 427 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-0350)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1387. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1155)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1388. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. Models PA-46-350P and PA-46R-350T Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0007)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1389. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hamilton Sundstrand Propellers Model 568F Propellers" ((RIN2120-AA64)(Docket No. FAA-2009-0270)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1390. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30658)(Amendment No. 3314)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1391. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30659)(Amendment No. 3315)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1392. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0074)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1393. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Airworthiness Directives; ATR Model ATR72 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1081)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1394. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-401, AT-401B, AT-402, AT-402A, and AT-402B" ((RIN2120-AA64)(Docket No. FAA-2006-23646)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1395. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Ten Sleep, WY" (Docket No. FAA-2008-1129)(Airspace Docket No. 08-ANM-7)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1396. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2007-0419)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1397. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Luftfahrt GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, Dornier 228-202, and Dornier 228-212 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0123)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1398. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-80A Series Turbofan Engines ((RIN2120-AA64)(Docket No. FAA-2008-1206)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1399. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model MD900 (including the MD902 Configuration) Helicopters" ((RIN2120-AA64)(Docket No. FAA-2008-0772)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1400. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" (Docket No. 30660)(Amendment No. 3316)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1401. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1324)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1402. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes Equipped with a Cockpit Door Electronic Strike System Installed in Accordance with Supplemental Type Certificate (STC) ST02014NY" ((RIN2120-AA64)(Docket No. FAA-2009-0313)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1403. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 and DA 40F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0125)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1404. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell Flight Management Systems (FMSs) Equipped with Honeywell NZ-2000 Navigation Computers and Honeywell IC-800 or IC-800E Integrated Avionics Computers; as Installed on Various Transport Category Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0899)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1405. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Liberty Aerospace Incorporated Model XL-2 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0329)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1406. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0412)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1407. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Model BH.125 Series 600A Series Airplanes and Model HS.125 Series 700A Airplanes Modified in Accordance With Supplemental Type Certificate (STC) SA2271SW" ((RIN2120-AA64)(Docket No. FAA-2008-1240)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1408. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney (PW) JT9D-7 Series Turbofan" ((RIN2120-AA64)(Docket No. FAA-2008-0759)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1409. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A, 206B, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, and 430 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-0301)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1410. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-80C2 and CF6-80E1 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-1025)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1411. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1324)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1412. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Conroe, TX" ((Docket No. FAA-2009-0338)(Airspace Docket No. 09-ASW-9)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1413. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Dallas, GA" ((Docket No. FAA-2008-1084)(Airspace Docket No. 08-ASO-17)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1414. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace, Establishment of Class E Airspace; Binghamton, NY" ((Docket No. FAA-2009-0202)(Airspace Docket No. 09-AEA-11)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1415. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Battle Creek, MI" ((Docket No. FAA-2008-1290)(Airspace Docket No. 08-AGL-19)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1416. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Omaha, NE" ((Docket No. FAA-2008-1228)(Airspace Docket No. 08-ACE-3)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1417. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Summersville, WV; Confirmation of Effective Date" ((Docket No. FAA-2008-1073)(Airspace Docket No. 08-AEA-28)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1418. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Corpus Christi NAS/Truax Field, TX" ((Docket No. FAA-2008-1140)(Airspace Docket No. 08-ASW-24)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1419. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Natchitoches, LA" ((Docket No. FAA-2008-1229)(Airspace Docket No. 08-ASW-26)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1420. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Health, Safety and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Occupational Radiation Protection; Correction" (RIN1901-AA95) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Energy and Natural Resources.

EC-1421. A communication from the Deputy Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Testimony by Employees and the Production of Records and Information in Legal Proceedings, Claims Against the Government Under the Federal Tort Claims Act, and Claims Under the Military Personnel and Civilian Employees' Claim Act of 1964; Change of Address for Requests" (RIN0960-AG99) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Finance.

EC-1422. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-29" (RIN9000-AK91) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1423. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular

2005-32; Technical Amendments" (Docket 2009-0003) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1424. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination in the position of Associate Director of National Intelligence and Chief Information Officer, received in the Office of the President of the Senate on April 22, 2009; to the Select Committee on Intelligence.

EC-1425. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report entitled "Report on the Adequacy of Privacy Rules Prescribed Under the E-Government Act of 2002"; 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-18. A resolution adopted by the House of Representatives of the State of Kentucky urging the United States Congress to act swiftly to renew the exemption of the Delta Queen from Public Law 89-777; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the Delta Queen is an integral part of the culture and character of the Ohio River valley; and

Whereas, the Delta Queen has made a lasting impression as a beloved part of the past in the hearts of passengers and crew members; and

Whereas, the Delta Queen is a part of the National Register of Historic Places, a National Historic Landmark, and a jewel of the United States' inland navigable water system; and

Whereas, the Delta Queen is the last of its kind, a sternwheel overnight passenger steamboat like those that contributed to this nation's westward expansion; and

Whereas, the Delta Queen has been and continues to be a safe and reliable vessel; and

Whereas, the Delta Queen was constructed in 1926 to operate as a passenger vessel in northern California, and during World War II was used in the United States Navy as a ferry for wounded being treated in San Francisco; and

Whereas, after being purchased in 1946 by Greene Line Steamers of Cincinnati, Ohio, the Delta Queen was carried from California, to and along the Mississippi and Ohio Rivers, to Pittsburgh, Pennsylvania for refurbishment in order to carry passengers on the nation's inland navigable water system; and

Whereas, Public Law 89-777 mandates that all passenger vessels having berth or stateroom accommodations for 50 or more passengers obey safety requirements, particularly fire safety requirements; and

Whereas, after this act was passed, the wooden construct of the Delta Queen was treated with fire resistant materials and a modern sprinkler system, thereby making this vessel considerably more fire resistant; and

Whereas, the Delta Queen has historically been exempted from Public Law 89-777; and

Whereas, the Delta Queen's safety records do not indicate that she is any less safe today than at any point since the passage of the Act in 1966; and

Whereas, the current exemption for the Delta Queen is to expire in 2008, and the

United States Congress has not acted to grant another exemption for the Delta Queen to allow her to continue operating; Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives of the Commonwealth of Kentucky hereby urges the United States Congress to act swiftly to continue the exemption of the Delta Queen from Public Law 89-777.

Section 2. The Clerk of the House of Representatives shall forward a copy of this Resolution to the Clerk of the United States Senate, the clerk of the United States House of Representatives, and all of the members of Kentucky's Congressional Delegation.

POM-19. A resolution adopted by the St. Charles County Council of the State of Missouri supporting the Missouri House Concurrent Resolution 13 relating to state sovereignty; to the Committee on the Judiciary.

RESOLUTION No. 09-03

Whereas, House Concurrent Resolution 13 (hereinafter "HCR13"), introduced at the Ninety-fifth General Assembly, First Regular Session the Missouri House of Representatives, is on the House Concurrent Resolutions calendar; and

Whereas, HCR 13 calls on the federal government to heed the Tenth Amendment to the Constitution of the United States which states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States; and

Whereas, powers not specifically granted to the federal government or prohibited to the states by the constitution are reserved in the Tenth Amendment to the states or to the people; and

Whereas, the states are concerned that over the course of time the federal government has developed an increasing policy to enact laws and regulations which treat the states as agents of the federal government in violation of the intent of the Tenth Amendment; and

Whereas, evidence of the federal entry into powers reserved to the states is evident in federal legislation that directs states to comply with federal mandates under threat of civil or criminal penalties or of loss of necessary federal funding; and

Whereas, in *New York v. United States*, 112 S.Ct. 2408, 2431 (1992) the United States Supreme Court ruled the Constitution protects the sovereignty of the states not for the states as abstract entities or for the public officials in charge of them, but for the protection of individuals so that the risk of tyranny or abuse from either the federal or state government is reduced by a healthy balance of power between the federal and state government; and

Whereas, the Missouri House has before it House Concurrent Resolution 13 (HCR 13) calling on the federal government to cease and desist from mandates beyond the scope of federal powers as enumerated in the constitution; and

Whereas, HCR 13 calls upon the federal government to cease passing compulsory federal legislation directing the states to comply or lose funding or face penalties and to repeal such laws already enacted; and

Whereas, the St. Charles County Council, for the reasons set forth above, concurs with HCR 13: Now, therefore, be it

Resolved by the County Council of St. Charles County, Missouri, as follows: