

Senate on September 25, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7597. A communication from the Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance Regarding Auditing, Attestation, and Related Professional Practice Standards Related to Brokers and Dealers" (17 CFR Part 241) received in the Office of the President of the Senate on September 28, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7598. A communication from the Administrator of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA) and the DestiNY USA Project; to the Committee on Commerce, Science, and Transportation.

EC-7599. A communication from the Secretary of Transportation, transmitting, pursuant to law, the 2010 Intelligent Transportation System (ITS) Program Advisory Committee Report; to the Committee on Commerce, Science, and Transportation.

EC-7600. A communication from the Secretary of Transportation, transmitting a legislative proposal entitled "Strengthening Pipeline Safety and Enforcement Act of 2010"; to the Committee on Commerce, Science, and Transportation.

EC-7601. A communication from the Assistant Director of Program Support, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments 2010" (RIN1029-AC62) received in the Office of the President of the Senate on September 27, 2010; to the Committee on Energy and Natural Resources.

EC-7602. A communication from the Director of the Bureau of Ocean Energy, Management, Regulation, and Enforcement, Department of the Interior, transmitting, pursuant to law, a report entitled "Report to Congress: The Bureau of Ocean Energy Management, Regulation, and Enforcement, Royalty in Kind Program" for fiscal year 2009; to the Committee on Energy and Natural Resources.

EC-7603. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Supplemental Determination for Renewable Fuels Produced under the Final RFS2 Program from Canola Oil" (FRL No. 9207-1) received in the Office of the President of the Senate on September 25, 2010; to the Committee on Environment and Public Works.

EC-7604. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule No. 50" (FRL No. 9207-3) received in the Office of the President of the Senate on September 25, 2010; to the Committee on Environment and Public Works.

EC-7605. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule—Newtown Creek" (FRL No. 9207-2) received in the Office of the President of the Senate on September 25, 2010; to the Committee on Environment and Public Works.

EC-7606. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans of Wisconsin: Nitrogen Oxides Reasonably Available Control Technology" (FRL No. 9205-8) received in the Office of the President of the Senate on September 25, 2010; to the Committee on Environment and Public Works.

EC-7607. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Nevada; Redesignation of Las Vegas Valley to Attainment for the Carbon Monoxide Standard" (FRL No. 9204-9) received in the Office of the President of the Senate on September 25, 2010; to the Committee on Environment and Public Works.

EC-7608. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9207-7) received in the Office of the President of the Senate on September 28, 2010; to the Committee on Environment and Public Works.

EC-7609. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Industrial Solvent Cleaning Operations" (FRL No. 9208-2) received in the Office of the President of the Senate on September 28, 2010; to the Committee on Environment and Public Works.

EC-7610. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Direct Final Rule" (FRL No. 9208-7) received in the Office of the President of the Senate on September 28, 2010; to the Committee on Environment and Public Works.

EC-7611. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties" (Notice No. 2010-64) received in the Office of the President of the Senate on September 27, 2010; to the Committee on Finance.

EC-7612. A communication from the Secretary of Labor, transmitting, pursuant to law, the 2010 report (covering trade in calendar year 2009) relative to the impact of the Andean Trade Preference Act on U.S. trade and employment; to the Committee on Finance.

EC-7613. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the employment of an adequate number of Americans during 2009 by the United Nations; to the Committee on Foreign Relations.

EC-7614. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's 2010 report for the fiscal year ended September 30, 2009; to the

Committee on Health, Education, Labor, and Pensions.

EC-7615. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines" (RIN1219-AB76) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7616. A communication from the Deputy Director of Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7617. A communication from the Director, Office of Personnel Management, transmitting a legislative proposal entitled "Federal Hiring Modernization Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7618. A communication from the Secretary of Veterans Affairs, transmitting a legislative proposal relative to authorization of appropriations for major facility construction projects for fiscal year 2011 and major facility leases for fiscal year 2011; to the Committee on Veterans' Affairs.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-145. A resolution adopted by the Senate of the Legislature of the State of Alabama relative to claiming sovereignty under the Tenth Amendment to the Constitution of the United States over certain powers; to the Committee on the Judiciary.

#### SENATE JOINT RESOLUTION NO. 27

Whereas, the Tenth Amendment to the Constitution of the United States reads as follows: "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 no more; and

Whereas, Federalism is the constitutional division of powers between the national and state governments and is widely regarded as one of America's most valuable contributions to political science; and

Whereas, James Madison, "the Father of the Constitution," said, "The powers delegated to the federal government are few and defined. Those which are to remain in the state governments are numerous and indefinite. The former will be exercised principally on external objects, [such] as war, peace, negotiation, and foreign commerce. The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people."; and

Whereas, Thomas Jefferson emphasized that the states are not "subordinate" to the national government, but rather the two are "coordinate departments of one simple and integral whole. The one is the domestic, the

other the foreign branch of the same government.”; and

Whereas, Alexander Hamilton expressed his hope that “the people will always take care to preserve the constitutional equilibrium between the general and the state governments.” He believed that “this balance between the national and state governments forms a double security to the people. If one [government] encroaches on their rights, they will find a powerful protection in the other. Indeed, they will both be prevented from overpassing their constitutional limits by [the] certain rivalry which will ever subsist between them.”; and

Whereas, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, today, in 2009, the states are demonstrably treated as agents of the federal government; and

Whereas, many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas, the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the federal government may not usurp; and

Whereas, Article IV, Section 4, United States Constitution, says in part, “The United States shall guarantee to every State in this Union a Republican Form of Government”; and the Ninth Amendment states that “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people”; and

Whereas, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States: Now therefore, be it

*Resolved by the Legislature of Alabama, both Houses thereof concurring*, That the State of Alabama hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; be it further

*Resolved*, That this resolution serves as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers; be it further

*Resolved*, That all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed; be it further

*Resolved*, That a copy of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House and the President of the Senate of each state’s legislature, and the entire delegation of the Alabama members of the U.S. Congress.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 3243, To require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes (Rept. No. 111—338).

Report to accompany H.R. 1345, A bill to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the “Hatch Act” (Rept. No. 111—339).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 2847, A bill to regulate the volume of audio on commercials (Rept. No. 111—340).

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, without amendment:

S. 2862. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes (Rept. No. 111—341).

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, with an amendment:

S. 2869. A bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes (Rept. No. 111—342).

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 2989. A bill to improve the Small Business Act, and for other purposes (Rept. No. 111—343).

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

H.R. 4543. A bill to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the “Anthony J. Cortese Post Office Building”.

H.R. 5341. A bill to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the “Joyce Rogers Post Office Building”.

H.R. 5390. A bill to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the “David John Donafée Post Office Building”.

H.R. 5450. A bill to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the “Tom Bradley Post Office Building”.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 3794. A bill to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LIEBERMAN from the Committee on Homeland Security and Governmental Affairs.

\*Maria Elizabeth Raffinan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen 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. ISAKSON (for himself and Mr. CHAMBLISS):

S. 12. A bill to require the Secretary of the Army to operate the Buford Dam/Lake Sidney Lanier Project, and for other purposes; to the Committee on Environment and Public Works.

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

S. 13. A bill to require the Secretary of the Army to calculate the aggregate withdrawals of non-Federal entities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JOHANNES (for himself, Mr. BROWNBACK, Mr. MCCAIN, Mr. THUNE, Mr. BURR, Mr. COBURN, Mr. BENNETT, Mr. ISAKSON, Mr. ENZI, Mr. HATCH, Mr. WICKER, Mr. DEMINT, Mr. ENSIGN, Mr. ROBERTS, Mr. CRAPO, Mr. RISCH, Mr. GRAHAM, Mr. VITTER, and Mr. KYL):

S. 14. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 15. A bill to amend the Internal Revenue Code of 1986 to provide a carbon sequestration investment tax credit, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH:

S. 16. A bill to amend the Immigration and Nationality Act to remove the temporary suspension of waiver authority for participation in the Visa Waiver Program and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 17. A bill to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Massachusetts:

S. 18. A bill to prohibit aliens who engage in certain activities with respect to Iran from being admitted into the United States, and for other purposes; to the Committee on the Judiciary.

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

S. 19. A bill to amend the Energy Independence and Security Act of 2007 to promote energy security through the production of petroleum from oil sands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM:

S. 20. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal clean energy standard; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio (for himself and Ms. STABENOW):

S. 3865. A bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes; to the Committee on Finance.