

EC-2678. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, (18) reports relative to vacancy announcements within the Department, received on July 20, 2007; to the Committee on Finance.

EC-2679. A communication from the Acting White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of the confirmation of a nomination for the position of Assistant Secretary, received on July 23, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2680. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Assistant Secretary for Disability Employment Policy, received on July 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2681. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers on Vocational Rehabilitation—Notice of Final Priority" (72 FR 35443) received on July 23, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2682. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Performance Report of the Food and Drug Administration's Office of Combination Products for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-2683. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on July 23, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2684. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the category rating system; to the Committee on Homeland Security and Governmental Affairs.

EC-2685. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination and a change in previously submitted report information for the position of Principal Deputy Director of National Intelligence, received on July 20, 2007; to the Select Committee on Intelligence.

EC-2686. A communication from the Editor, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Searches of Housing Units, Inmates, and Inmate Work Areas: Electronic Devices" (RIN1120-AA90) received on July 23, 2007; to the Committee on the Judiciary.

EC-2687. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a legislative proposal entitled, "Identity Theft Enforcement and Restitution Act of 2007"; to the Committee on the Judiciary.

EC-2688. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplemental update of the Budget that was previously transmitted earlier in the year; referred jointly to the Committees on Appropriations and Budget.

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-169. A resolution adopted by the Senate of the State of Pennsylvania opposing the provisions of the Energy Policy Act of 1992 that preempt the authority of the Commonwealth of Pennsylvania to determine land use policies; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 129

Whereas, the Energy Policy Act of 2005 (EPAct) was passed by the Congress on July 29, 2005, and signed into law on August 8, 2005; and

Whereas, the EPAct was promoted as a comprehensive approach to growing energy needs and designed to guarantee development of domestic fuel production and energy supply, thereby ending United States dependence on foreign oil; and

Whereas, provisions of the omnibus legislation touch on nearly every segment of energy production and use, including nuclear power, electricity, natural gas, fossil fuels, renewable energy and competitive generation; and

Whereas, a provision of Title XII of the EPAct, Electricity, however, preempts what have long been fundamental powers of state and local governments; and

Whereas, section 1221, for example, transfers the authority to approve the siting of certain transmission lines from state governments and their political subdivisions to agencies of the Federal Government; and

Whereas, section 1221(a) of EPAct directs the United States Secretary of Energy to, in consultation with states, conduct periodic nationwide studies of electric transmission congestion; and

Whereas, the Secretary of Energy released its initial National Electric Transmission Congestion study in August 2006; and

Whereas, based upon the findings of any congestion study, the Secretary of Energy may designate "any geographical area experiencing electric energy transmission capacity constraints or congestion that adversely affects customers" as "national interest electric transmission corridor" or national corridor; and

Whereas, section 1221(b) further conveys to the Federal Energy Regulatory Commission (FERC) the authority to issue permits for construction or modification of electric transmission facilities situated or proposed to be situated in any Department of Energy designated national interest electric transmission corridor; and

Whereas, the FERC would be able to override the authority of the Pennsylvania Public Utility Commission to issue a certificate of public convenience to approve and locate a transmission line in a Department of Energy designated national interest electric transmission corridor if:

(1) the Pennsylvania Public Utility Commission had no authority to approve a specified transmission line proposal or would fail to consider interstate benefits of the proposed transmission line;

(2) the applicant would not qualify for a certificate of public convenience issued by the Pennsylvania Public Utility Commission because it does not serve end-use customers in the Commonwealth of Pennsylvania;

(3) the Pennsylvania Public Utility Commission would fail to act on an application for approval to locate and construct the new transmission line within one year of the filing of an application or one year after designation as a national interest electric transmission corridor, whichever is later; or

(4) the Pennsylvania Public Utility Commission would condition its approval in such a manner that the proposed construction or modification would not significantly reduce transmission congestion or would not be economically feasible; and

Whereas, the Pennsylvania Public Utility Commission and its predecessor, the Public Service Commission, have had jurisdictional and regulatory authority over public utilities and public utility service, including the review and approval of applications for the location and construction of transmission lines in the Commonwealth of Pennsylvania since 1913, or for 94 years; and

Whereas, the designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania, coupled with FERC "backstop" authority to issue permits to site a transmission line and thereby override the recommendations of the Pennsylvania Public Utility Commission, would give electric utilities access to Federal eminent domain authority; and

Whereas, if FERC would institute its "backstop" authority, the holder of a FERC-issued permit would be empowered to exercise the right of eminent domain to condemn and acquire private property to locate and construct the transmission line; and

Whereas, on March 6, 2006, Allegheny Power and the PJM Interconnection, the Regional Transmission Organization that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia, including the Commonwealth of Pennsylvania, filed for early designation as a national interest electric transmission corridor a 240-mile, 500 kV transmission line which would extend from southwestern Pennsylvania, traverse West Virginia and terminate in northern Virginia; and

Whereas, on October 10, 2006, the PJM Interconnection submitted another request to the Department of Energy for early designation of three additional national interest electric transmission corridors that will encompass nearly all of the Mid-Atlantic region; and

Whereas, the early request filed with the United States Department of Energy by Allegheny Power and the PJM Interconnection, if granted, will include significant acreage of land in the Commonwealth of Pennsylvania; and

Whereas, on April 26, 2007, the United States Department of Energy released drafts of two national interest electric transmission corridor designations, including the Mid-Atlantic Area National Corridor; and

Whereas, the Mid-Atlantic area National Corridor designation includes counties in Ohio, West Virginia, Pennsylvania, New York, Maryland, Virginia and includes all of New Jersey, Delaware and the District of Columbia; and

Whereas, Fifty of the Commonwealth of Pennsylvania's 67 counties, or 75% of the land within the Commonwealth's geographic borders, are included in the Mid-Atlantic Area National Corridor designation; and

Whereas, in its release announcing the draft national interest electric transmission corridor designations, the Department of Energy revealed that it would convene three public meetings during a 60-day comment period; and

Whereas, in its April 26, 2007, announcement, the Department of Energy revealed that public meetings would be held in New York, Virginia and California during the 60-day comment period; and

Whereas, some local governments, citizens and preservation groups that would be directly impacted by the designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania

and some other affected states contacted the Department of Energy to express their disappointment and concern that no public meetings were planned for Pennsylvania and other affected states during the 60-day comment period; and

Whereas, on May 8, 2007, the Department of Energy announced that it would hold four additional meetings during the 60-day public comment period in some states, including the Commonwealth of Pennsylvania, that would be impacted by the national interest electric transmission corridor designations; and

Whereas, the Pennsylvania public meeting will be convened in the month of June in Pittsburgh, Pennsylvania; and

Whereas, the 60-day comment period for the Mid-Atlantic Area National Corridor designation is scheduled to end on July 6, 2007; and

Whereas, it is alleged that the transmission lines proposed to be located and constructed in the Mid-Atlantic Area National Corridor would be used to relieve energy congestion and constraints and improve electric reliability in population centers of the East Coast; and

Whereas, designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania could diminish or eliminate the role of the Pennsylvania Public Utility Commission, the administrative agency of the Commonwealth that has regulatory authority over the approval of applications for the location and construction of transmission lines; and

Whereas, designation of national interest electric transmission corridors would also adversely limit or completely eliminate the roles of the Office of Consumer Advocate and the Office of Small Business Advocate; and

Whereas, the Office of Consumer Advocate and the Office of Small Business Advocate are administrative agencies of the Commonwealth of Pennsylvania that were expressly established by Pennsylvania statute to represent the interests of consumers and small businesses, respectively, in proceedings before the Pennsylvania Public Utility Commission, including certain matters related to the location and construction of transmission lines; and

Whereas, designation of national interest electric transmission corridors and FERC's accompanying "backstop" authority could diminish or even eliminate the roles of other administrative agencies of the Commonwealth of Pennsylvania that were established for the express purpose of protecting Pennsylvania's economic, natural, historical, cultural and recreational resources, including the Departments of Environmental Protection, Conservation and Natural Resources, Agriculture and Transportation as well as the Game Commission and the Historical and Museum Commission; and

Whereas, designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania would undermine and in some cases eliminate the Commonwealth's ability to determinate, manage and control land use policies, including land use policies on its agricultural lands, forest reserves, recreational areas, game lands and other natural and environmentally sensitive areas: Therefore, be it

Resolved, That the Senate of Pennsylvania recognize fully the energy and environmental challenges facing the Commonwealth of Pennsylvania in general and the United States in particular; and be it further

Resolved, That the Senate believes that demand for energy continues to be a concern nationwide, especially in major population centers, and that an effective national energy policy must include increased emphasis on conservation, renewable energy, energy-

efficient alternatives, demand-side management, innovations and new technologies while simultaneously providing incentives to increase domestic production and supply; and be it further

Resolved, That the Senate recognize that an effective energy policy must be addressed nationally but should reflect traditional state and local authority over environmental and energy matters; and be it further

Resolved, That the Senate oppose the provisions of EPact which preempt the authority of the Commonwealth of Pennsylvania and its political subdivisions to determine land use policies and which usurp the traditional and fundamental authority of the Pennsylvania Public Utility Commission to review and approve applications for the location and construction of transmission lines in the Commonwealth of Pennsylvania; and be it further

Resolved, That the Senate urge the members of the Pennsylvania Congressional Delegation to support legislation to repeal section 1221 of EPact and thereby preserve the fundamental rights of the Commonwealth of Pennsylvania and its people to determine the future of land use policies; and be it further

Resolved, That copies of this resolution be transmitted to the residing officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-170. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement systems or funds; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 114

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor Social Security benefit, and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefit for any person who also receives a federal, state, or local retirement or pension benefit; and

Whereas, the intent of Congress in enacting the GPO and the WEP provisions was to address concerns that a public employee who had worked primarily in federal, state, or local government employment might receive a public pension in addition to the same Social Security benefit as a person who had worked only in employment covered by Social Security throughout his career; and

Whereas, the purpose of Congress in enacting these reduction provisions was to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving a federal, state, or local government retirement or pension benefit who would also be entitled to a Social Security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor Social Security benefit by two-thirds of the amount of the federal, state, or local government retirement or pension benefit received by the spouse or survivor, in many cases completely eliminating the Social Security benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement benefits, in addition to working in employment covered under Social Security and paying into the Social Security system; and

Whereas, the WEP reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may reduce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in

employment not covered under Social Security; and

Whereas, because of these calculation characteristics, the GPO and the WEP have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

Whereas, because the Social Security benefit statements do not calculate the GPO and the WEP, many public employees in Louisiana are unaware that their expected Social Security benefits shown on such statements will be significantly lower or nonexistent due to the service in public employment through which they are members of a Louisiana public retirement or pension system or fund; and

Whereas, these provisions also have a greater adverse effect on women than on men because of the gender differences in salary that continue to plague our nation and the longer life expectancy of women; and

Whereas, Louisiana is making every effort to improve the quality of life of her citizens and to encourage them to live here lifelong: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the GPO and the WEP Social Security benefit reductions and to consider eliminating or reducing them by enacting the Social Security Fairness Act of 2007 (H.R. 82 or S. 206) or a similar instrument. Be it further

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

POM-171. A concurrent resolution adopted by the Senate of the State of New Hampshire urging Congress to amend the No Child Left Behind Act with consideration of the National Conference of State Legislatures' task force recommendations; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION

Whereas, in 2002 the No Child Left Behind Act was enacted on a bipartisan basis, which has as its purpose bringing academic achievement in language arts, mathematics, and science to students who are not presently achieving at proficiency levels; and

Whereas, in 2004 the National Conference of State Legislatures created a bipartisan task force to study the No Child Left Behind Act and the task force suggested specific changes to make the No Child Left Behind Act more workable, more responsive to variations among the states, and more effective in improving education; and

Whereas, a stated goal of the No Child Left Behind Act is to provide flexibility for states to improve academic achievement and to close the achievement gap, the task force found that more flexibility should be granted to states to implement the No Child Left Behind Act; and

Whereas, the New Hampshire general court had representation on the bipartisan task force and concurs with the spirit of the recommendations of the National Conference of State Legislatures; and

Whereas, a well-designed growth model, with multiple forms of assessment, is a more meaningful and accurate measure of student success than the No Child Left Behind Act model of identifying schools in need of improvement; and

Whereas, the No Child Left Behind Act mandates a costly sequence of intervention services, which the task force found to be inflexible and instead recommended states to be allowed to decide the interventions when

a school is "in need of improvement": Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the New Hampshire general court urges the Congress of the United States to amend the No Child Left Behind Act with consideration of the National Conference of State Legislatures' task force recommendations, to allow each state department of education the flexibility to monitor, supervise, and evaluate each school's effectiveness in documenting the physical, personal, social, and academic growth of each child; and

That the New Hampshire general court urges the Congress of the United States to request a Government Accountability Office evaluation of the costs to states and local school districts of complying with the No Child Left Behind Act requirements and of achieving the 100 percent proficiency goals of the No Child Left Behind Act; and

That the senate clerk send copies of this resolution to the President and Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of the New Hampshire congressional delegation.

POM-172. A resolution adopted by the Senate of the State of Pennsylvania urging Congress to repeal the REAL ID Act or delay its implementation until such time as sufficient funds are available to adequately cover the costs of implementation and amendment is made to preserve essential civil rights; to the Committee on the Judiciary.

SENATE RESOLUTION

Whereas, in May 2005 the Congress of the United States passed the REAL ID Act of 2005 (REAL ID Act) as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005 (Public Law 109-13), which was signed into law on May 11, 2005, and which becomes fully effective May 11, 2008; and

Whereas, the Senate of the Commonwealth of Pennsylvania denounces terrorism in all its forms and condemns all acts of terrorism by any entity, wherever the acts occur; and

Whereas, any new security measures to protect against terrorist attacks should be carefully designed to enhance public safety without infringing on the civil liberties and rights of citizens; and

Whereas, the REAL ID Act constitutes an unfunded mandate by the Federal Government to the states; and

Whereas, it will cost the Commonwealth of Pennsylvania an estimated \$100 million to implement the REAL ID Act; and

Whereas, the implementation of the REAL ID Act intrudes upon the states' sovereign power to determine their own policies for identification, licensure and credentialing of individuals residing therein; and

Whereas, the REAL ID Act requires the creation of a massive public sector database containing information on every American that is accessible to all motor vehicle agency employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens, which is neither the business nor the responsibility of government; and

Whereas, the REAL ID Act enables the creation of additional massive private sector databases, combining both transactional information and driver's license information gained from scanning the machine-readable information contained on every driver's license; and

Whereas, these public and private databases are likely to contain numerous errors

and false information, creating significant hardship for Americans attempting to verify their identities in order to fly, open a bank account or perform any of the numerous functions required to live in the United States today; and

Whereas, the REAL ID Act requires a driver's license to contain a person's actual home address and makes no exception for individuals in potential danger, such as undercover law enforcement officials or victims of domestic violence, stalking or criminal harassment; and

Whereas, the REAL ID Act contains onerous record verification provisions that place unreasonable burdens on Pennsylvanians renewing their driver's licenses; and

Whereas, some of the intended privacy requirements of the REAL ID Act, such as the use of common machine-readable technology and state maintenance of a database that can be shared with the United States Government and agencies of other states, may actually make it more likely that a federally required driver's license or state identification card, or the information about the bearer on which the license or card is based, will be stolen, sold or otherwise used for purposes that were never intended or that are criminally related than if the REAL ID Act had not been enacted; and

Whereas, these potential breaches in privacy that could result directly from compliance with the REAL ID Act may violate the right to privacy of thousands of Pennsylvanians; and

Whereas, identification-based security provides only limited security benefits because it can be avoided by defrauding or corrupting card issuers and because it gives no protection against people not already known to be planning or committing wrongful acts; and

Whereas, a growing number of states have proposed and passed legislation that opposes the implementation of the REAL ID Act: Therefore, be it

Resolved, That the Senate of the Commonwealth of Pennsylvania support the intention of the United States Government to prevent terrorism, but not at the expense of the essential civil rights and liberties of the citizens of this country; and be it further

Resolved, That the Senate oppose any portion of the REAL ID Act that violates the rights and liberties guaranteed under the Constitution of Pennsylvania or the Constitution of the United States, including the Bill of Rights; and be it further

Resolved, That the Senate urge the Pennsylvania Congressional Delegation to support measures to repeal the REAL ID Act or to delay its implementation until such time as sufficient funds are available to adequately cover the costs of implementation and amendment is made to preserve essential civil rights and liberties of the citizens of this country; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2008" (Rept. No. 110-133).

By Mr. KOHL, from the Committee on Appropriations, without amendment:

S. 1859. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-134).

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 423. A bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (Rept. No. 110-135).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 1500. A bill to support democracy and human rights in Zimbabwe, and for other purposes (Rept. No. 110-136).

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S.J. Res. 16. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

William Lindsay Osteen, Jr., of North Carolina, to be United States District Judge for the Middle District of North Carolina.

Martin Karl Reidinger, of North Carolina, to be United States District Judge for the Western District of North Carolina.

Timothy D. DeGiusti, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

Janis Lynn Sammartino, of California, to be United States District Judge for the Southern District of California.

Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York.

Joe W. Stecher, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

*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.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. KOHL:

S. 1859. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.