

entitled "Airworthiness Directives; Airbus Models A330-200 and -300, and A340-200 and -300 Series Airplanes" ((RIN2120-AA64)(7-13/7-15/0137/NM-201)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2544. 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 JT9D-7 Series Turbofan Engines; Correction" ((RIN2120-AA64)(6-25/6-25/0758/NE-02)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2545. 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; Kona, Hawaii" ((RIN2120-AA66)(7-9/7-10/0002-AWP-1)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2546. 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 D and Class E Airspace, Modification of Class E Airspace; Ocala, Florida" ((RIN2120-AA66)(6-25/6-24/0326/ASO-15)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2547. 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; Floydada, Texas" ((RIN2120-AA66)(6-25/6-30/1367/ASW-1)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2548. 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 D Airspace; Fort Worth, Texas" ((RIN2120-AA66)(6-25/6-30/0283/ASW-8)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2549. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Route Q-42; East-Central United States" ((RIN2120-AA66)(6-25/6-30/1026/AEA-17)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2550. 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 E Airspace; Montrose, Colorado" ((RIN2120-AA66)(7-2/7-7/0042/ANM-1)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2551. 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 E Airspace; Twin Falls, Idaho" ((RIN2120-AA66)(7-2/7-7/0253/ANM-2)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2552. 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; Port Clinton, Ohio" ((RIN2120-AA66)(7-2/7-6/0188/AGL-5)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2553. 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; Devine, Texas" ((RIN2120-AA66)(7-2/6-0089/ASW-4)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2554. 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; Coleman, Texas" ((RIN2120-AA66)(7-13/5-15/1139/ASW-23)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2555. 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, Louisiana" ((RIN2120-AA66)(6-25/6/24/1229/ASW-26)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2556. 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; Ord, Nebraska" ((RIN2120-AA66)(6-25/6-30/0066/ACE-1)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2557. 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; Ada, Oklahoma" ((RIN2120-AA66)(6-25/6-30/0051/ASW-3)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2558. 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; Mansfield, Ohio" ((RIN2120-AA66)(6-25/6-30/1271/AGL-18)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2559. A communication from the General Counsel of the Department of Commerce, transmitting the report of proposed legislation relative to the Fiscal Year 2010 Budget; to the Committee on Commerce, Science, and Transportation.

EC-2560. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Annual Report for Fiscal Year 2008 of the Department of Commerce's Bureau of Industry and Security; to the Committee on Commerce, Science, and Transportation.

EC-2561. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the

Caribbean, Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the 2009 Commercial Fishery for Golden Tilefish in the South Atlantic" (RIN0648-XO54) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2562. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Act Provisions; Fisheries of the Northeastern United States; Final Rule" (RIN0648-AW70) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2563. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XQ25) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2564. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fishery; Amendment 12 to the Coastal Pelagic Species Fishery Management Plan" (RIN0648-AU26) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2565. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XQ18) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2566. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Secretarial Final Interim Action" (RIN0648-AW87) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2567. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

#### 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-68. A joint resolution adopted by the Senate of the State of Tennessee relative to enacting the "Honor the Written Intent of our Soldier Heroes Act"; to the Committee on Armed Services.

#### SENATE JOINT RESOLUTION No. 352

Whereas, federal law under 10 U.S.C. 1482(c) prohibits a service member from designating

a person other than a surviving spouse, blood relative, or adoptive relative to direct the disposal of a service member's remains; and

Whereas, before deploying on a combat operation, a service member is asked to designate a person who will be responsible for arranging the service member's memorial services and overseeing the service member's burial arrangements; and

Whereas, service members fill out DD Form 93, on which they express their last wishes with the expectation that their last wishes regarding memorial services and burial arrangements will be honored; and

Whereas, since 2003, more than 4,000 service members who have served their country honorably have given their lives in combat; and

Whereas, a service member deploying on a combat operation in defense of our country should be allowed to designate any person the service member wishes to direct the disposition of the service member's remains; and

Whereas, H.R. 1633 of the 111th U.S. Congress, the "Honor the Written Intent of our Soldier Heroes Act", also referred to as the Honor the WISH Act, amends 10 U.S.C. 1482(c) to allow a service member to designate any person the service member wishes to direct the disposition of the service member's remains, regardless of the designated person's relationship to the service member; now, therefore, be it

*Resolved by the Senate of the one hundred sixth General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby urges the United States Congress to enact H.R. 1633 of the 111th U.S. Congress, the "Honor the Written Intent of our Soldier Heroes Act"; and BE IT FURTHER*

*Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and each member of Tennessee's Congressional Delegation.*

POM-69. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to maintain the private, dual charter banking system as well as to preserve the thrift charter and mutuality; to the Committee on Banking, Housing, and Urban Affairs.

#### SENATE CONCURRENT RESOLUTION NO. 114

Whereas, the United States currently uses a dual banking system that allows FDIC insured financial institutions to choose between state and federal bank charters and multiple regulators when organizing their business; and

Whereas, the architecture of this dual banking system has been developed over a long period of time, adapted to changing markets, needs and innovations at the national and state level, and has proven remarkably efficient and effective; and

Whereas, FDIC insured banks and thrifts in Louisiana are safe and strong, highly regulated, and have not experienced many of the issues being encountered in the financial services industry at the national level; and

Whereas, Louisiana banks and thrifts have remained true to their core business and have greatly outperformed their United States counterparts as a whole, especially in the areas of loan growth, deposit growth, and asset growth; and

Whereas, many of the problems experienced in the financial services industry at the national level were the result of unsound lending practices by loosely regulated, non-FDIC insured institutions; and

Whereas, as a result of the problems experienced by the financial services industry at

the national level and in the economy as a whole, Congress has and will continue to explore ways to restructure the financial services industry; and

Whereas, in 2008 the United States Department of the Treasury proposed, under its "Blueprint for a Modernized Financial Regulatory Structure," ending the dual banking system by requiring all state chartered banks and state and federally chartered thrifts to convert to federally chartered banks, thereby eliminating the state bank and thrift charters entirely; and

Whereas, eliminating the dual charter banking system would require a large percentage of Louisiana banks and thrifts to change charters, thereby reducing regulator options and forcing many financial institutions to accept a federal regulator that may not have the same familiarity, as a state regulator, with the specific needs of a particular financial institution or with the local banking environment; and

Whereas, abolishing remarkably efficient state banking regulatory regimes in favor of one, consolidated federal regulator just does not make sense when federal oversight of Government Sponsored Entities (GSEs), such as Fannie Mae and Freddie Mac, and Wall Street investment firms have proven to be an utter failure; and

Whereas, the Office of Thrift Supervision (OTS) regulates federally chartered thrift institutions; and

Whereas, the idea of eliminating the OTS has also been discussed as part of regulatory restructuring of the financial services industry; and

Whereas, eliminating OTS would serve to eliminate charter and regulator choice for thrifts operating in Louisiana; and

Whereas, some thrifts operating in Louisiana organize as mutual institutions, whereby the depositors are also the owners of the institution; and

Whereas, a financial institution's ability to organize as a mutual institution should be preserved by Congress. THEREFORE, be it

*Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to take such actions as are necessary to maintain the private, dual charter banking system as well as to preserve the thrift charter and mutuality; and be it further*

*Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.*

POM-70. A resolution adopted by the Senate of the State of Louisiana memorializing Congress to protect Louisiana consumers and competition by opposing efforts to interfere with free markets in order to artificially regulate payment system interchange fees; to the Committee on Banking, Housing, and Urban Affairs.

#### SENATE RESOLUTION NO. 145

Whereas, credit and debit cards are held and used by tens of millions of Americans; and

Whereas, the development of the electronic payment card system in the competitive environment has benefited consumers, merchants, and the United States economy; and

Whereas, the current payment card system has greatly enhanced consumer convenience, merchant sales, and overall commerce in Louisiana and in this country; and

Whereas, interchange fees paid by merchants for use of the payment card system help defray the extensive infrastructure costs, increasing fraud losses, and non-payment possibility that are assumed by Louisiana financial institutions involved in the payment card system; and

Whereas, for merchants, interchange fees are a legitimate cost of doing business that entitle them to all of the benefits they receive from the payment card system, including fast and guaranteed payment while bearing little, if any, risk; and

Whereas, consumers and merchants are free to choose from a selection of payment options to complete their transactions, including cash, checks, ACH, prepaid cards, debit cards, credit cards, and alternative online payment options; and

Whereas, merchants are free to choose not to accept credit cards, debit cards, cash or checks or other payment methods; and

Whereas, merchants are free to offer discounts or incentives for the use of cash and checks; and

Whereas, merchant groups have had various interchange fee proposals introduced in Congress in an attempt to shift their legitimate costs of doing business and to pass such costs on to consumers and financial institutions; and

Whereas, such proposals would seriously disrupt the proper functioning of our nation's electronic payment system to the detriment of consumers, businesses, and the broader economy; and

Whereas, one such merchant proposal that recently failed in Congress would have created a new federal bureaucracy that had the ability to price fix interchange fees paid by merchants to financial institutions for access to the payment card system; and

Whereas, consumers could be harmed if the protection of antitrust laws were removed to allow for anti-competitive behavior in connection with negotiation of payment card acceptance and interchange fees; and

Whereas, government imposed price controls on the payment system would make many Louisiana financial institutions less competitive and potentially make them unable to afford issuing payment cards to Louisiana customers, thereby likely decreasing competition and increasing the cost of obtaining credit for consumers; and

Whereas, the United States Department of Justice has strongly warned that antitrust exemptions should be strongly disfavored by Congress, and cautioned that strong antitrust laws are critical to promoting and protecting consumer welfare; therefore, be it

*Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to protect Louisiana consumers and competition by opposing efforts to interfere with free markets in order to artificially regulate payment system interchange fees; and be it further*

*Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.*

POM-71. A resolution adopted by the House of Representatives of the Legislature of the State of Texas urging Congress to enact legislation facilitating the ability of cities to access appropriate financing for critically needed municipal projects; to the Committee on Banking, Housing, and Urban Affairs.

#### HOUSE RESOLUTION NO. 1085

Whereas, Deteriorating conditions in the credit markets have severely diminished the ability of cities to access traditional sources of funding for projects that meet critical local needs; consequently, many municipal projects today are in jeopardy or are being delayed, with prospects for their future realization highly uncertain; and

Whereas, Municipal projects provide important, effective economic stimulus and are worthy of partnership with the federal government; civic projects instantly create and

cause the retention of multiple thousands of jobs in many different industries; city projects often include partnerships with the private sector that create a leveraging of mutual interests and maximum economic benefit for the greater community; many city projects are transit oriented, which spurs additional economic benefit; moreover, when projects involve the enhancement or development of public mass transit, they result in reduced highway congestion, reduced air pollution, and reduced dependence on foreign oil; and

Whereas, Projects supported by municipal bonds are vetted locally, approved in elections by local voters, and administered locally, conditions that promote the highest level of transparency and accountability; and

Whereas, Recently passed amendments to the Troubled Assets Relief Program (TARP) legislation that are contained in H.R. 384, Section 402, clarify the authority of the U.S. Treasury regarding municipal securities; exercising the authority to directly purchase such bonds, and/or provide credit enhancements for them, would provide an opportunity to realize immediate, significant contributions to our economic recovery; and

Whereas, Directly purchasing municipal securities at appropriate interest rates, or providing credit enhancements that allow cities access to traditional market interest rates for bonds, would give the federal government the opportunity to be repaid, with interest, the entire sum it furnishes through the partnership; in addition, providing this relief in the municipal credit markets would result in a significant tax reduction for local taxpayers in the form of dramatically reduced publicly funded interest costs; and

Whereas, Working together to construct an efficient application of the authorization provided in H.R. 384, Section 402, would greatly enhance our country's progress toward economic recovery; now, therefore, be it

*Resolved*, That the House of Representatives of the 81st Texas Legislature hereby respectfully urge the United States Congress to enact legislation facilitating the ability of cities to access appropriate financing for critically needed municipal projects; and, be it further

*Resolved*, That the chief clerk of the house forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-72. A resolution adopted by the House of Representatives of the Legislature of the State of Texas expressing opposition to any federal legislation that would create an optional federal charter for insurers; to the Committee on Banking, Housing, and Urban Affairs.

#### HOUSE RESOLUTION NO. 798

Whereas, For more than 150 years, state insurance regulators have provided effective consumer protection and industry oversight; some members of the United States Congress, however, have proposed to undermine this time-tested regulatory system by allowing insurance companies to opt out of state oversight and into a new federal system of chartering, licensing, regulation, and supervision; and

Whereas, State lawmakers have a unique understanding of the needs of their constituents and of the specific conditions and char-

acteristics that apply in their insurance marketplace; they are able to assess and respond to changing circumstances specific to their states with appropriate modifications to regulations; and

Whereas, A federal charter system would permit companies to circumvent carefully crafted consumer protection laws and strong solvency requirements that have been put in place by individual states; proponents of such a federal system have cited the recent collapse of the American International Group as justification for a federal charter, but in fact, the insurance subsidiaries of AIG that are regulated at the state level have generally retained their value while federal oversight failed to prevent the meltdown of the parent company; and

Whereas, Given the faltering economy, it is more important than ever for state officials to exercise strong oversight of the insurance industry for the benefit of consumers and to maintain the stability of insurance companies; moreover, premium taxes on insurance are a significant source of revenue for the general funds of all states, providing more than two percent of state tax revenues according to the United States Census; experts estimate that an optional federal charter could eventually draw away from the states more than \$14 billion in premium taxes and fees; and

Whereas, The bifurcation of the insurance regulation system is unnecessary and likely to promote confusion, ambiguity, and fragmentation; it would create an expensive new federal bureaucracy that would inevitably be less nimble and responsive than state regulatory systems, while weakening the ability of the states to protect the interests of their residents; the McCarran-Ferguson Act of 1945 affirmed the role of states as principal regulators of insurance, and there is no compelling reason to make a change in the regulatory rights and responsibilities of the states; Now, therefore, be it

*Resolved*, That the House of Representatives of the 81st Texas Legislature hereby express its opposition to any federal legislation that would create an optional federal charter for insurers; and, be it further

*Resolved*, That the chief clerk of the Texas House of Representatives forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, to the members of the U.S. House Financial Services Committee, to the members of the U.S. House Banking Committee, to the U.S. secretary of the treasury, and to all members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-73. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing Congress to consider appropriate legislation that would require the Federal Communications Commission to prescribe auditory volume standards for commercial advertisements broadcast on television; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION NO. 106

Whereas, network television plays a prevalent part in society and, to retain that competitive edge amongst the plethora of digital media and other telecommunication advancements, must be sensitive to consumer preference and choice; and

Whereas, commercial advertisers spend millions of dollars annually to purchase brief intervals of broadcast time in which to promote the purchase of their products and to

influence consumer behavior in a positive manner; and

Whereas, to capitalize on these fleeting and costly time periods, many advertisers resort to an excessive increase in the decibel level of commercials during a telecast in comparison to the programming in which each advertisement is embedded, all in an effort to grab the attention of the viewer and to market the product; and

Whereas, these erratic, excessive volume levels sometimes have an adverse effect on the well-being of consumers and often have a negative effect on consumer behavior, purchasing decisions, and viewing preferences; and

Whereas, proposed legislation introduced in the 111th Congress for 2009-2010, H.R. 1084: Commercial Advertisement Loudness Mitigation Act (CALM), referred to the House Committee on Energy and Commerce, addresses this controversial issue; and

Whereas, implementation of CALM would order the Federal Communications Commission (FCC), to create and to enforce governmental regulations that require that the volume level of commercials on television is broadcast at an equal auditory level as the programming in which it is embedded; and

Whereas, commercial advertisement makes the entertainment and information of over-the-air free television possible, offers a myriad of products and services to public view, and sustains mass communication as an integral part of market-driven economics; and

Whereas, control of decibel levels for advertisements broadcast over commercial airwaves falls within the purview of federal regulation, and that control is essential to the comfort and sensibilities of the viewing public; Now, therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to consider appropriate legislation that would require the Federal Communications Commission to regulate auditory volume standards for commercial advertisements broadcast on television; and, be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-74. A concurrent resolution adopted by the Senate of the State of Louisiana urging and requesting support and assistance in providing funding for the Wood to Electricity Program; to the Committee on Energy and Natural Resources.

#### SENATE CONCURRENT RESOLUTION NO. 49

Whereas, the major focus of the Wood Products Development Foundation is the expansion or development of new uses of wood and wood waste products that result in a positive impact on the economic conditions of the state; and

Whereas, the timber industry has experienced a serious decline in recent years, and this downturn will continue unless new use sources are developed in the immediate future; and

Whereas, after studying numerous potential industries, the foundation determined a project that used wood and wood waste products to create electricity would be the most economically viable expansion of raw wood products for the long term; and

Whereas, the use and need for electricity will continue to increase, and these projects will provide a renewable, green source of electric power that does not affect the nation's food supply or demand for food-based agricultural products and materials for an indefinite period; and

Whereas, these wood to electricity projects provide an additional market for raw wood products even in a distressed market, provide an additional source of electricity at a market rate that is carbon neutral, and provide a dedicated electrical source available locally to supply viable defense structures and critical facilities in times of natural disasters; and

Whereas, the foundation has completed plans for two centrally located plants within the state that will use wood waste products from wood producers in the vicinity; and

Whereas, the electrical production will be made equally available to wood-related industries and a grid for the benefit of low-income households within reasonable vicinity of the plant sites; and

Whereas, the two proposed projects will inject sixty million dollars into the economy in terms of construction and start-up costs and will create a minimum of thirty permanent full-time jobs at the plant sites and approximately one hundred jobs for suppliers of the wood fuel feedstock; and

Whereas, in the last several months, significant regional job losses in the wood industry make this effort even more vital to securing new alternatives for value-added market activity related to the wood resources of the state; and

Whereas, there is a current need for additional funding to complete the necessary regulatory, environmental, engineering, and administrative functions to fulfill the requirements for construction loan approvals: Now, therefore, be it

*Resolved*, that the Legislature of Louisiana does hereby urge and request the Louisiana congressional delegation, the governor, the Department of Economic Development, the Department of Agriculture and Forestry, and the Public Service Commission to assist in providing funding for any necessary additional requirements, documentation, or studies that may be needed to secure long-term funding, and to assist in developing state and federal policies for wood to electricity projects that put them on a commensurate funding and taxation level with wind and solar generated electricity; and be it further

*Resolved*, that a copy of this Resolution be transmitted to the Louisiana congressional delegation, the governor, the Department of Economic Development, the Department of Agriculture and Forestry, and the Public Service Commission.

POM-75. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing Congress to support the American Clean Energy and Security Act of 2009; to the Committee on Energy and Natural Resources.

#### SENATE CONCURRENT RESOLUTION NO. 158

Whereas, a federally mandated energy efficiency and renewable energy standard for utilities is currently being debated in Congress; and

Whereas, federal standards for the regulation of climate change gases, primarily carbon dioxide, are also being actively debated in Congress; and

Whereas, Louisiana's coast is comprised of forty percent of the nation's coastal wetlands and it recognizes the importance of coordinated and effective actions to reduce the emissions of climate change gases; and

Whereas, in areas of the country with limited wind and hydroelectric resources, renewable energy standards, if improperly implemented, can have significant adverse impacts on non-participating ratepayers; and

Whereas, renewable energy resources that are non-dispatchable and non-reliable do not reduce capacity requirements of utilities and thus present an undue adverse impact on non-participating ratepayers; and

Whereas, energy efficiency can produce energy and demand savings for a fraction of the cost of most forms of renewable energy; and

Whereas, renewable portfolio standards are traditionally based solely on electrical energy production; and

Whereas, in air conditioning-dominated climates, electrical energy usage is a much larger component of total energy use compared to heating dominated climates; and

Whereas, heating energy sources such as heating oil pose both environmental and national security risks as they contribute to air pollution emissions and increased oil imports: Now, therefore be it

*Resolved*, that the Senate of the Legislature of Louisiana memorializes the Congress of the United States to support the American Clean Energy and Security Act of 2009; and, be it further

*Resolved*, that the Legislature of Louisiana does hereby urge and request the Louisiana congressional delegation to take appropriate action to insure the following:

(1) Any federally mandated renewable portfolio standard contain provisions whereby states with limited, currently available, affordable renewable energy resources, such as Louisiana, be allowed to utilize verifiable energy efficiency improvements to existing loads to meet a minimum of sixty percent of any such standard.

(2) That the state be allowed to set up a mechanism whereby Louisiana utility companies taking action in advance of the imposition of the standard be allowed to bank any energy efficiency savings and renewable energy production achieved in order to help meet the requirements under any such standard.

(3) That tax credits and rebates offered by the state of Louisiana or any local jurisdiction within the state be declared by the United States Internal Revenue Service to be nontaxable income and will not reduce the tax credit basis of any federal energy efficiency or renewable energy tax credit.

(4) That mandates for renewable energy production that is not dispatchable and reliable be limited to no more than ten percent of the required production standard.

(5) That any energy efficiency and renewable energy standard be based on a percentage of total energy consumption, not just electrical energy consumption, regardless of how it is implemented and collected; and, be it further

*Resolved*, that a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM-76. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing 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 or pension systems, plans, or funds; to the Committee on Finance.

#### SENATE CONCURRENT RESOLUTION NO. 32

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 or pension 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 required to be members of a Louisiana public retirement or pension system, plan, 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 its citizens and to encourage them to live here lifelong: Now, 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 2009 (H.R. 235 or R.S. 484) or a similar instrument; and be it further

*Resolved*, that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 774. A bill to designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the "Geraldine Ferraro Post Office Building".

H.R. 987. A bill to designate the facility of the United States Postal Service located at