

Area'' (RIN1513-AB22) received on March 16, 2007; to the Committee on the Judiciary.

EC-1128. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Tennessee Advisory Committee; to the Committee on the Judiciary.

EC-1129. A communication from the Deputy Secretary of Veterans Affairs and Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the activities and accomplishments of the Joint Executive Committee of the Departments; to the Committee on Veterans' Affairs.

#### 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-25. A concurrent resolution adopted by the Legislature of the State of Kansas relative to supporting the National Bio and Agrodefense Facility; to the Committee on Agriculture, Nutrition, and Forestry.

##### HOUSE CONCURRENT RESOLUTION NO. 5009

Whereas, Homeland Security Presidential Directive 9 has tasked the Secretary of the Department of Homeland Security to coordinate "countermeasure research and development of new methods for detection, prevention technologies, agent characterization, and dose relationships for high-consequence agents;" and

Whereas, at present there are no facilities in the United States that have adequate containment, security, equipment and infrastructure to meet the requirements identified in Presidential Directive 9; and

Whereas, to meet this need, the Department of Homeland Security and its federal partners initiated plans for a National Bio and Agrodefense Facility (NBAF); and

Whereas, the NBAF will enhance protection from both natural and intentional threats by modernizing and integrating high-biosecurity facilities, thus enhancing our nation's capacity to assess potential threats to humans and animals alike; and

Whereas, the Department of Homeland Security is seeking a location to build the \$451 million, 500,000 square foot, NBAF facility; and

Whereas, the State of Kansas pledges its support for the funding and construction of the NBAF to address the needs of Kansas and the nation to protect human and animal health from both naturally occurring and intentionally introduced disease threats; and

Whereas, Kansas is the ideal location for the NBAF. Kansas is a world leader in bioscience, especially in the areas of animal health and vaccines, infectious diseases and food safety, and has an exceptionally well qualified workforce; and

Whereas, two sites in Kansas, one in Manhattan and one in Leavenworth, are actively under consideration by the Department of Homeland Security to site the NBAF facility; and

Whereas, the State of Kansas has already demonstrated its strong support for the siting of the NBAF in Kansas, as Governor Kathleen Sebelius and the Kansas Bioscience Authority have taken the initiative to create a task force of prominent industry leaders, public officials, including the entire Kansas Congressional Delegation, representatives from the Kansas Legislature, producer groups and leaders of prominent academic institutions to lead Kansas' bids for the NBAF; and

Whereas, the State of Kansas has a long-standing commitment of supporting biosecu-

rity research in partnership with the federal government. Most recently, Kansas and the federal government invested \$54 million in the nation's most modern biosecurity laboratory, the Biosecurity Research Institute at Kansas State University: Now, therefore, Be it

*Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein*, That the Kansas Legislature pledges its support for Kansas State University, the City of Manhattan and the City of Leavenworth in their bids to site the U.S. Department of Homeland Security's National Bio and Agrodefense Facility, and that the Legislature commits to do everything in its power and ability to provide any support necessary in or for the NBAF to be constructed in Kansas; and be it further

*Resolved*, That the Kansas Legislature strongly encourages the U.S. Department of Homeland Security to consider Kansas' existing building and security infrastructure, and the human resources already in place that make Kansas a natural fit for the location of this new federal laboratory; and be it further

*Resolved*, That the Secretary of State be directed to send enrolled copies of this resolution to President Bush, Vice President Cheney, Secretary Chertoff of the U.S. Department of Homeland Security, Secretary Johanns of the U.S. Department of Agriculture, Secretary Leavitt of the U.S. Department of Health and Human Services, each member of the Kansas Congressional Delegation and Governor Kathleen Sebelius.

POM-26. A joint resolution adopted by the Legislature of the State of Idaho relative to forest land management; to the Committee on Energy and Natural Resources.

Whereas, the United States Forest Service administers the management of 39% of the land base in the state of Idaho, and an additional 22% is administered by the United States Bureau of Land Management; and

Whereas, pursuant to 16 U.S.C. Section 471, an 1891 law authorizing the President to establish national forests, the purpose for establishing and administering national forests was to set aside public lands reserved as national forests to be controlled and administered, to the extent practical, in accordance with the Act which provided that "no national forest may be established except to improve and protect the forest, or to secure favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens"; and

Whereas, it has long been the intent and policy of the federal government to hold rural communities harmless from the creation of federal lands and in 1906 the Committee on Public Lands recognized that the presence of federal lands could create a hardship for many counties, as they provided little revenue or commerce at that time; and

Whereas, in 1908 Congress created the Twenty-five Percent Fund Act to pay states and counties 25 percent of receipts collected from national forests and mandated that payments were to be spent on schools and roads, recognizing that viable communities adjacent to the public lands, with adequate roads and schools, were essential for the development and preservation of the national forests; and

Whereas, the federal policy of holding counties harmless from the creation of public lands within counties was reiterated in 1916 with the creation of the Oregon and California Grant Lands under the Chamberlain-Ferris Act, and again in 1937 with passage of the Oregon and California Grant Lands Act; and

Whereas, the forest resources were intended to be managed in such an environ-

mentally responsible manner that they would produce long-term sustainable revenue to share with schools and counties as well as products for the nation; and

WHEREAS, in 2000, Congress passed the Secure Rural Schools and Community Self-Determination Act, commonly known as public law 106-393, which restored historical payment levels previously made to states and counties from the federal government for road and school purposes due to declining levels of actual forest receipts; and

Whereas, the reauthorization of public law 106-393 is pending before the United States Congress and Idaho counties are on record as being strongly supportive of a fully-funded approval of this Act; and

Whereas, recently, federal land managers have been faced with an ever-present funding shortage and rural counties will be faced with higher property taxes or a reduction in services if the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated; and

Whereas, there is continued concern that if the Act is reauthorized and appropriated it may be the last time it occurs and a long-term solution to these issues is necessary; and

Whereas, the state of Idaho is dependent upon healthy national forest system lands for economic benefit, recreation and scenic beauty and it is time to demonstrate a new initiative and commitment to the intent and policy of the federal government to hold counties and schools harmless from the creation of federal lands and construct a path leading to economic stability for rural communities and schools; and

Whereas, transfer of the management of the national forest system lands that are not designated as wilderness, proposed or recommended wilderness, wild and scenic river, or national recreation area, or designated roadless area in Idaho, to the state of Idaho would promote better stewardship of the public lands, provide financial returns to the counties, secure public access, meet Congress's intent to hold rural communities harmless from the creation of federal lands, and fund schools, road and bridge infrastructure which would offset significant tax increases in rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006 reauthorization; and

Whereas, precedent for state administration of federally-owned lands exists in the state of Idaho at the City of Rocks area in southern Idaho and campground-related facilities and land at Lake Cascade; and

Whereas, a transfer of management to the state of Idaho would demonstrate a new initiative and commitment to the intent and policy of the federal government to hold rural counties and schools harmless from the consequences of the reservation of federal lands and construct a process leading to economic stability for rural communities and schools; and

Whereas, lands for which management responsibility is transferred to the state of Idaho could administered by the Idaho Department of Lands in cooperation with county officials and with cooperative oversight by the United States. Forest Service and state and local government could establish, or use existing natural resource advisory committees composed of a diverse cross-section of the public, with all decisions and actions relating to the lands being required to comply with every federal and state environmental law; and

Whereas, the management of these lands would have to meet the mandates of the Healthy Forest Initiative, the National Fire Plan, and state and county fire mitigation plans. Now, therefore, be it

*Resolved by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein,* That we urge the Congress to support federal legislation transferring management of national forest system lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools with the state of Idaho being held harmless from the costs of administration; and be it further

*Resolved,* That Congress is urged to provide that any transfer of management authority would not affect any rights or authority of the state with respect to fish and wildlife, or repeal or modify any provision of law that permits the state or political subdivisions of the state to share in the revenues from federal lands, or any provision of law that provides that fees or charges collected at particular federal areas be used for or credited to specific purposes or special funds, and be it further

*Resolved,* That Congress is urged to provide that fees or revenues collected under state management be allocated 75%, or other appropriate percentage, for the benefit of the counties and schools in which the national forest system lands are located and 25%, or other appropriate percentage, for the benefit of the national forest in which the lands administered by the state of Idaho are located to be paid at the end of the year to the Secretary of the Treasury, and that amounts allocated to the counties should not be taken into account for purposes of the Twenty-five Percent Fund pursuant to 16 U.S.C. Section 500; and be it further

*Resolved,* That Congress is urged to seek a long-term solution to the significant issues that will face rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006 reauthorization; and be it further

*Resolved,* that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-27. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Idaho relative to the authorization of a study of the decline in receipts on national forest system lands; to the Committee on Energy and Natural Resources.

#### HOUSE CONCURRENT RESOLUTION No. 26

Be It Resolved by the Legislature of the State of Idaho:

Whereas, it has long been the intent and policy of the federal government to hold rural communities harmless from the creation of federal lands and in 1906 the Committee on Public Lands recognized that the presence of federal lands could create hardship for many counties as they provided little revenue or commerce at that time; and

Whereas, in 1908, the federal government promised rural counties twenty-five percent of all revenues generated from the multiple-use management of the newly created national forests to support public roads and public schools; and

Whereas, in recent decades, the forest resources have not been managed in a manner to produce long-term sustainable revenue to share with schools and counties; and

Whereas, in 2000, Congress passed Public Law 106-393, the Secure Rural Schools and Community Self-Determination Act. The Act restored historical payment levels previously made to states and counties from the federal government for road and school pur-

poses because of declining levels of actual forest receipts; and

Whereas, the reauthorization and appropriation of the Secure Rural Schools and Community Self-Determination Act is pending before the United States Congress, and Idaho counties are on record as being strongly supportive of a fully funded approval of this Act; and

Whereas, federal land managers continue to be faced with funding shortages. In the event the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated, counties will be faced with higher property taxes or a reduction in services and even if the Act is reauthorized and appropriated, it will likely be the last time, and the state of Idaho must seek a long-term solution; and

Whereas, in 2006, House Joint Memorial No. 21 was adopted by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature to provide one option to address the problem of declining forest receipts by urging Congress to support federal legislation transferring management of National Forest System lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools. Now, therefore, be it

*Resolved by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein,* that the Legislative Council is authorized to appoint an interim committee to undertake and complete an assessment of the decline in receipts on National Forest System lands, which have historically been shared with counties, with the goal of the interim committee's recommendations being to develop a federal, bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments to Idaho's forest counties, which help support roads and schools, and to provide projects that enhance forest ecosystem health and provide employment opportunities, and to improve cooperative relationships among those who use and care about the lands the agencies manage. The Legislative Council shall determine the membership from each house appointed to the interim committee and shall authorize the interim committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature. As much as is practicable, the interim committee shall work in cooperation and coordination with the state of Idaho, its counties, its school and highway districts, along with the recognized Indian tribes of the state of Idaho. The interim committee is also authorized to retain the services of consultants, within appropriated moneys, who are familiar with forest receipts, and who can provide necessary economic and other research to assist the interim committee and the Legislature in making an informed decision on this most important topic. Now, therefore, be it further

*Resolved,* That the Idaho legislative interim committee on forest receipts will address National Forest System lands, but only those lands that do not have special designations. The interim committee is directed to formulate a solution that will protect all valid existing rights, existing public access and activities, including hunting, fishing and recreation, and that will not be construed to interfere with treaties or any other obligations to the Indian tribes, commitments to county governments, or the General Mining Law or Taylor Grazing Act. Now, therefore be it further

*Resolved,* That nonlegislative members of the interim committee may be appointed by the cochair of the interim committee who are appointed by the Legislative Council.

Nonlegislative members of the interim committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the interim committee's recommendations or proposed legislation. Now, therefore, be it further

*Resolved,* That the interim committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Fifty-ninth Idaho Legislature.

POM-28. A resolution adopted by the Senate of the State of Arizona urging Congress to enact legislation repealing the privacy violations contained in the REAL ID Act of 2005; to the Committee on the Judiciary.

#### SENATE MEMORIAL 1003

Whereas, in May 2005, the United States Congress enacted 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 (Public Law 109-13), which was signed by President Bush on May 11, 2005 and which becomes fully effective May 11, 2008; and

Whereas, some of the requirements of the REAL ID Act are that states must issue driver licenses and state identification cards in a uniform format as prescribed by the Department of Homeland Security; must verify the issuance, validity and completeness of all primary documents used to issue a driver license, and provide for their secure storage; must provide fraudulent document recognition training to persons who issue driver licenses or state identification cards; and must issue a driver license or state identification card in a prescribed format if it does not meet the criteria provided for a federally approved license or identification card; and

Whereas, use of the federal minimum standards for state driver licenses and identification cards will be necessary for any type of federally regulated activity for which an identification card must be displayed; 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 and agencies of other states may actually make it more likely that a federally required driver 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 residents of Arizona; and

Whereas, the American Association of Motor Vehicle Administrators, the National Governors' Association and the National Conference of State Legislatures have estimated that the cost to the states to implement the REAL ID Act will be more than \$11 billion over five years; and

Whereas, the mandate to the states, through federal legislation that provides no funding for its requirements, to issue what is effectively a national identification card appears to be an attempt to commandeer the political machinery of the states and to require them to be agents of the federal government, in violation of the principles of federalism contained in the tenth amendment to the United States Constitution; and

Whereas, some states have enacted legislation that opposes the implementation of the REAL ID Act.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Congress of the United States take immediate action to enact legislation to correct the unfunded mandate on the states resulting from the passage of the REAL ID Act of 2005, as outlined in this Memorial.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-29. A request by the Board of County Supervisors of the County of Prince William of the State of Virginia for Congress to reimburse the County for the costs of serving illegal immigrants; to the Committee on the Judiciary.

### 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. MENENDEZ (for himself, Mrs. BOXER, Mr. KERRY, Mr. CARDIN, and Mr. LAUTENBERG):

S. 919. A bill to reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 920. A bill to provide wage parity for certain prevailing rate employees in Rhode Island; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THOMAS (for himself and Mrs. LINCOLN):

S. 921. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. THUNE (for himself, Mr. JOHNSON, Mr. SPECTER, and Mr. CASEY):

S. 922. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2012; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 923. A bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself and Ms. SNOWE):

S. 924. A bill to strengthen the United States Coast Guard's Integrated Deepwater Program; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU:

S. 925. A bill to provide for funding assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) to a State or local government for the acquisition of real property for the purpose of the replacement of certain public facilities based on reasonable reliance of cost estimates provided by the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 926. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 927. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 928. A bill to establish a program to provide more protection at lower cost through a national backstop for State natural catastrophe insurance programs to help the United States better prepare for and protect its citizens against the ravages of natural catastrophes, to encourage and promote mitigation and prevention for, and recovery and rebuilding from such catastrophes, to better assist in the financial recovery from such catastrophes, and to develop a rigorous process of continuous improvement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 929. A bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 930. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for hurricane and tornado mitigation expenditures; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mrs. DOLE, and Ms. LANDRIEU):

S. 931. A bill to establish the National Hurricane Research Initiative to improve hurricane preparedness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself, Mr. SPECTER, Mr. MENENDEZ, Mr. ENSIGN, Mr. HARKIN, Mr. BURR, and Mr. GRAHAM):

S. 932. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 933. A bill for the relief of Joseph Gabra and Sharon Kamel; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 934. A bill to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida (for himself, Mr. HAGEL, Mr. BINGAMAN, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. VITTER, Mr. DOMENICI, Mr. KERRY, Mr. MARTINEZ, Mr. SALAZAR, Ms. SNOWE, Mr. BROWN, Mrs. FEINSTEIN, Mrs. MURRAY, and Mrs. CLINTON):

S. 935. A bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 936. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. ALLARD):

S. 937. A bill to improve support and services for individuals with autism and their families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, and Mr. SANDERS):

S. 938. A bill to amend the Higher Education Act of 1965 to expand college access and increase college persistence, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mrs. MURRAY, and Mr. SANDERS):

S. 939. A bill to amend the Higher Education Act of 1965 to simplify and improve the process of applying for student assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. HATCH, and Mr. CRAPO):

S. 940. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Finance.

By Mr. SANDERS (for himself and Ms. MURKOWSKI):

S. 941. A bill to increase Federal support for Community Health Centers and the National Health Service Corps in order to ensure access to health care for millions of Americans living in medically underserved areas; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 942. A bill to modify the boundaries for a certain empowerment zone designation; to the Committee on Finance.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 943. A bill to amend the Internal Revenue Code of 1986 to extend the period for which the designation of an area as an empowerment zone is in effect; to the Committee on Finance.

By Mr. THUNE:

S. 944. A bill to require that an independent review of the efficiency and effectiveness of all headquarters offices of the Farm Service Agency of the Department of Agriculture be carried out prior to the closure of any county offices; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. 945. A bill to ensure that college textbooks and supplemental materials are available and affordable; to the Committee on Health, Education, Labor, and Pensions.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. Res. 112. A resolution designating April 6, 2007, as "National Missing Persons Day"; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. PRYOR, Ms. COLLINS, and Mr. DORGAN):

S. Res. 113. A resolution commending the achievements and recognizing the importance of the Alliance to Save Energy on the 30th anniversary of the incorporation of the Alliance; considered and agreed to.