

the position of U.S. Attorney, Eastern District of Kentucky, received on January 29, 2008; to the Committee on the Judiciary.

EC-5019. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted information and discontinuation of service in the acting role of U.S. Attorney, Eastern District of Arkansas, received on January 29, 2008; to the Committee on the Judiciary.

EC-5020. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Deputy Director for Supply Reduction, received on January 29, 2008; to the Committee on the Judiciary.

EC-5021. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as amended" (22 CFR Part 42) received on January 31, 2008; to the Committee on the Judiciary.

EC-5022. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information and discontinuation of service in the acting role of U.S. Attorney, District of Wyoming, received on January 29, 2008; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-284. A collection of petitions forwarded by the Benefit Security Coalition relative to establishing a more equitable method of computing cost of living adjustments for Social Security benefits; to the Committee on Finance.

POM-285. A resolution adopted by the Senate of the State of New Jersey urging Congress to enact the "Clean Railroads Act of 2007"; to the Committee on Commerce, Science, and Transportation.

Whereas, the Interstate Commerce Commission Termination Act of 1995 ("ICCTA"), which established the Surface Transportation Board ("STB") to assume regulatory jurisdiction over the operation of interstate rail service, is a broad federal railroad law that has been interpreted as forbidding state and local environmental regulatory agencies from overseeing the safe handling of trash or solid waste at solid waste management facilities that are located on railroad property; and

Whereas, Congress has eliminated state and local regulation of rail and rail-related operations so that railroads may operate across states and not have to comply with many sets of state and local regulations; yet some solid waste management companies have abused this federal preemption protection by building facilities on railroad property in order to avoid state and local regulations; and

Whereas, solid waste management facilities that operate on railroad property are subject to the exclusive jurisdiction of the STB, and therefore are exempt from state and local solid waste permits and regulations designed to promote public health, increase safety, and preserve the environment; yet due to uncertainty in the federal law that grants the STB such jurisdiction, the STB only passively regulates these facilities, so

that these facilities are able to escape the regulations that apply to similar facilities located anywhere except railroad property; and

Whereas, companies that have taken advantage of this exemption from state and local laws by building solid waste management facilities next to railroad tracks have been able to ignore environmental concerns and the safety and welfare of nearby communities; and

Whereas, in 2004, New Jersey implemented regulations that governed operations at railroad solid waste management facilities, yet when the State attempted to fine the New York Susquehanna and Western ("NYS&W") Railway Corporation for violating these regulations, the railroad immediately filed suit against the State, and the district court of New Jersey ruled that the ICCTA's exemption of railroads and their facilities from state and local oversight preempted New Jersey's regulations; and

Whereas, due to limited available disposal options, combined stringent state and local regulations, there has been a recent surge within the construction and operation of these unregulated solid waste management facilities along rail lines in New Jersey and throughout the Northeast; and

Whereas, in order to protect its residents from the environmental, safety, and health hazards associated with solid waste management facilities, the State needs the authority to regulate all of these sites, including those located on railroad property; and

Whereas, trade associations representing conventional solid waste processors, such as the National Solid Wastes Management Association ("NSWMA") and the Solid Waste Association of North America ("SWANA"), do not support federal preemption of state and local regulation of rail-based processors and are working to stop allowing rail-based solid waste facilities to sidestep important regulations; and

Whereas, Senator Lautenberg and Congressman Pallone have introduced S. 719 and H.R. 1248, respectively, which are identical pieces of legislation that, if passed, would amend federal law to clarify that solid waste management facilities located on railroad property do not fall under the jurisdiction of the STB; and

Whereas, S. 719 and H.R. 1248, also known as the "Clean Railroads Act of 2007," would close the federal loophole currently being exploited by solid waste management companies and provide New Jersey and every other state with the clear authority to regulate solid waste management facilities located on railroad property; Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. This Senate Resolution memorializes Congress to enact S. 719 or H.R. 1248, otherwise known as the "Clean Railroads Act of 2007," which would remove the authority to regulate solid waste management facilities located on railroad property from the jurisdiction of the Surface Transportation Board, thus allowing state and local authorities to regulate such facilities.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of United States Senate and the United States House of Representatives, and each member of the New Jersey congressional delegation.

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. MARTINEZ (for himself, Mr. CORNYN, Mr. COLEMAN, Mr. ALEXANDER, Mr. VITTER, and Mr. DEMINT):

S. 2603. A bill to amend title XI and XVIII of the Social Security Act to provide increased civil and criminal penalties for acts involving fraud and abuse under the Medicare program and to increase the amount of the surety bond required for suppliers of durable medical equipment; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2604. A bill to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 2605. A bill to require certain semiautomatic pistols manufactured, imported, or sold by Federal firearms licensees to be capable of microstamping ammunition; to the Committee on the Judiciary.

By Mr. DODD (for himself, Ms. COLLINS, Mr. BIDEN, and Mr. MCCAIN):

S. 2606. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE:

S. 2607. A bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mrs. DOLE):

S. 2608. A bill to make improvements to the Small Business Act; to the Committee on Small Business and Entrepreneurship.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. CASEY, Mr. COCHRAN, Mr. KERRY, Mr. WHITEHOUSE, and Mr. VOINOVICH):

S. 2609. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Relations.

By Mr. SALAZAR (for himself and Mr. MARTINEZ):

S. 2610. A bill to amend title 10, United States Code, to require the establishment of a searchable database containing the names and citations of members of the Armed Forces, members of the United States merchant marine, and civilians affiliated with the Armed Forces who have been awarded the medal of honor or any other medal authorized by Congress for the Armed Forces, the United States merchant marine, or affiliated civilians; to the Committee on Armed Services.

By Mr. DORGAN (for himself, Mr. BROWN, and Mr. CASEY):

S. 2611. A bill to make bills implementing trade agreements subject to a point of order unless certain conditions are met, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 2612. A bill to provide economic stimulus for small business concerns; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BIDEN (for himself, Mr. OBAMA, Mr. BAUCUS, Mr. DURBIN, Mr. HARKIN, Mr. CASEY, Mr. MENENDEZ, Mr. REID, and Mrs. FEINSTEIN):

S. Res. 445. A resolution expressing the sense of the Senate on the assassination of

former Prime Minister of Pakistan Benazir Bhutto, and the political crisis in Pakistan; to the Committee on Foreign Relations.

By Mr. WEBB (for himself, Mr. BIDEN, Mr. LUGAR, Mr. WARNER, Mr. DODD, Mr. HAGEL, Mrs. BOXER, and Ms. MURKOWSKI):

S. Con. Res. 66. A concurrent resolution commemorating the 175th anniversary of the commencement of the special relationship between the United States and the Kingdom of Thailand; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2604. A bill to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes, to the Committee on Energy and Natural Resources.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 2604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Baltimore National Heritage Area Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The City of Baltimore contains 24 National Historic Landmarks, 53,000 buildings listed in 52 National Register Historic Districts, 8,000 buildings in 30 local historic districts, and 12 Chesapeake Bay Gateways, nestled in an unparalleled system of parks and waterways, and connected by 5 Maryland Scenic Byways and an All-American Road.

(2) The Battle of Baltimore represented the definitive end of the American Revolution, secured United States sovereignty, and gave the country 2 enduring symbols: the United States flag and the poem by Francis Scott Key that became our national anthem, "The Star-Spangled Banner".

(3) The proposed Baltimore National Heritage Area will tell 2 of the most significant national heritage stories at the locus of black history and the transformative effects of education, which are the following:

(A) Frederick Douglass, who while as a slave learned to read in Baltimore and credited his time in the city as the foundation for his accomplishments; and

(B) Thurgood Marshall, whose public school education in Baltimore led directly to his unparalleled contributions to civil rights as an attorney in Baltimore and as a United States Supreme Court Justice.

(4) Between the early 1800s and the mid 1900s, about 2,000,000 immigrants landed in Baltimore, second only to New York, as a major port of entry into the United States.

(5) In 1811, the Nation's first federally funded interstate transportation route, the National Road, began its journey from Baltimore to the west.

(6) Baltimore is the farthest inland east coast port, closest to the Nation's interior. The Chesapeake Bay, the continent's largest estuary, is a magnificent, fertile, natural resource. This special mix gave rise to the largest city in the 6 States of the Chesapeake region, with a cultural landscape unique among world port cities.

(7) Although Baltimore is a largely urban environment, a number of important natural and recreational resources can be found within the proposed National Heritage Area boundaries. Beginning with the first city park in 1827, Patterson Park, the city's natural and recreational resources enjoy a noteworthy history. Most remarkable is the city's acquisition, beginning in 1860, of 7 large estates that created the base for the current park system, including Leakin Park that is one of the largest urban wilderness parks remaining on the East Coast.

(8) The Baltimore City Heritage Area is a State heritage area designated by the State of Maryland in 2001.

(9) The "Feasibility Study for a Baltimore National Heritage Area", dated December 2006, found that the proposed area met the National Park Service's interim criteria for national heritage area designation.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Baltimore National Heritage Area, established in section 4.

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 4(d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area specified in section 6.

(4) MAP.—The term "map" means the map titled "Baltimore National Heritage Area", numbered T10/80,000, and dated October 2007.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Maryland.

SEC. 4. BALTIMORE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the following, as depicted on the map:

(1) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(2) The Mount Auburn Cemetery.

(3) The Cylburn Arboretum.

(4) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(A) the Cruise Maryland Terminal;

(B) new marina construction;

(C) the National Aquarium Aquatic Life Center;

(D) the Westport Redevelopment;

(E) the Gwynns Falls Trail;

(F) the Baltimore Rowing Club; and

(G) the Masonville Cove Environmental Center.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior, and the Baltimore Heritage Area Association.

(d) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

SEC. 5. DUTIES AND AUTHORITIES OF THE LOCAL COORDINATING ENTITY.

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 6;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this Act, setting forth its accomplishments, expenses, and income, amounts and sources of matching funds, amounts leveraged with Federal funds and sources of such leveraging, and grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this Act, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this Act to—

(1) make grants to the State, its political subdivisions, nonprofit organizations, and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State, its subdivisions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this Act to acquire real property.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling