

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