

## MEASURE READ THE FIRST TIME

S. 1618. A bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

## 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-269. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to a permanent repository for high-level nuclear waste; to the Committee on Environment and Public Works.

## HOUSE CONCURRENT RESOLUTION NO. 48

Whereas, over the past four decades, nuclear power has become a significant source for the nation's production of electricity. Michigan is among the majority of states that derive energy from nuclear plants; and

Whereas, since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with the waste material that is produced. This high-level radioactive waste material demands exceptional care in all facets of its storage and disposal, including the transportation of this material; and

Whereas, in 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a facility for the permanent storage of high-level nuclear waste. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste facility. The costs for this undertaking are to be paid from a fee that is assessed on all nuclear energy produced; and

Whereas, in accordance with the federal act, Michigan electric customers have paid \$405.8 million into this federal fund for construction of the federal waste facility; and

Whereas, there are serious concerns that the federal government is not complying with the timetables set forth in federal law. Every delay places our country at greater risk, because the large number of temporary storage sites at nuclear facilities across the country make us vulnerable to potential problems. The events since September 11, 2001, clearly illustrate the urgency of the need to establish a safe and permanent high-level nuclear waste facility as soon as possible. The Department of Energy, working with the Nuclear Regulatory Commission, must not fail to meet its obligation as provided by law. There is too much at stake: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring).* That we support the United States Department of Energy and the Nuclear Regulatory Commission in their efforts to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

*Resolved,* That copies of this resolution be transmitted to the United States Department of Energy, the Nuclear Regulatory Commission, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-270. A concurrent resolution adopted by the Legislature of the State of Michigan relative to beach grooming on private property; to the Committee on Environment and Public Works.

## SENATE CONCURRENT RESOLUTION NO. 26

Whereas, the most effective stewardship of our environment includes both public and private participation. Michigan has recently taken an important step in the direction of caring for our shorelines and beaches with the enactment of legislation permitting shoreline property owners to take certain actions to maintain beaches within specific guidelines; and

Whereas, with the reduction in lake levels, shoreline property has changed dramatically in many areas. In many instances, beaches have been transformed by vegetation, which has led property owners to seek authority to groom the beaches. However, the potential for conflict with the long-term integrity of shore lands and habitat required extensive discussions to develop an effective and responsible strategy; and

Whereas, as a result of the input of individual property owners, local landowner and environmental groups, state officials, and lawmakers, Michigan has enacted legislation, 2003 PA 14 (Enrolled House Bill No. 4257), that will allow property owners to remove vegetation and debris from beaches. These actions are limited in scope and strike a workable balance between legitimate recreational concerns and environmental considerations; and

Whereas, the effective compromise established with regard to maintenance on Michigan beaches will be far more productive than contentiousness between property owners and governmental regulators. This legislation capitalizes on the shared commitment private and public interests have in the quality and the appearances of our beaches: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring).* That we memorialize the Congress of the United States to work with the appropriate federal agencies in adopting guidelines on beach maintenance activities as defined in 2003 PA 14. We also encourage the United States Army Corps of Engineers to work cooperatively with property owners on the stewardship of beaches; and be it further

*Resolved,* That copies of this resolution be transmitted to the Office of the President of the United States, the Environmental Protection Agency, the United States Army Corps of Engineers, the Office of the Governor, the Michigan Department of Environmental Quality, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-271. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to widening and resurfacing of the M 50 to US 12 segment of US 127; to the Committee on Environment and Public Works.

## HOUSE RESOLUTION NO. 95

Whereas, the Michigan International Speedway (MIS), which attracts 600,000 visitors annually, is the largest sporting venue in Michigan. Michigan International Speedway has accepted its role as a corporate citizen with pride for the last 35 years; and

Whereas, fifty-five percent of MIS season ticket holders are from outside the state of Michigan, with season ticket holders in 47 states and 12 foreign countries. The indirect economic impact of the Michigan International Speedway to Michigan's economy exceeds \$500 million dollars annually. With over 50% of the race weekend business coming from outside the state, a substantial amount of money is brought into Michigan's economy from the surrounding area; and

Whereas, in 2002, a resurfacing project was completed on US 127 from M 50 North to

Interstate 94, which has caused a deterioration in the roadway south of M 50 to US 12; and

Whereas, traffic counts escalate annually, averaging 20,000 vehicles per day, and they spike drastically during the three race weekends at Michigan International Speedway; and

Whereas, traffic engineers routinely specify a four-lane highway as mandatory for traffic volumes that exceed 17,500 on a daily basis; and

Whereas, transportation planners project that without any new development, traffic counts along US 127 in Jackson County will range from 31,000 to 51,000 vehicles daily; and

Whereas, the number of vehicle accidents occurring on US 127 is unacceptably high, with an annual average of 311 occurring annually. Of this number, 248 occur on the road segment between M 50 and US 12; and

Whereas, the state of Michigan has recognized the increasing problems associated with traffic pressure on US 127 since 1994, when it was specifically cited in the Michigan Long-Range Plan; and

Whereas, roadway expansion for US 127 in Jackson County has previously been permitted and does not require an environmental impact study; and

Whereas, improvements to US 127 from M 50 to US 12 will both improve community safety and enhance economic development efforts; now, therefore, be it

*Resolved by the House of Representatives.* That we memorialize Congress to enact legislation to support funding for the widening and resurfacing of the M 50 to US 12 segment of US 127; and

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-272. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Highway Trust Fund and the State of Texas; to the Committee on Environment and Public Works.

## HOUSE CONCURRENT RESOLUTION NO. 82

Whereas, an integrated, safe, and adequately financed transportation system is a critical component of the economic, social, and environmental well-being of both the United States and Texas; and

Whereas, the Highway Trust Fund was established by the Highway Revenue Act of 1956 as a mechanism to finance an accelerated highway program, including the Interstate Highway System; the revenues used to finance the trust fund are derived from federal excise taxes on highway motor fuel and certain truck-related taxes collected from motorists in all 50 states and paid into the federal Highway Trust Fund; and

Whereas, federal law requires that the money paid into the trust fund be returned to the states in accordance with legislatively established formulas that are recalculated every six years in reauthorization legislation; most recently the Transportation Equity Act for the 21st Century (TEA-21) was passed in 1998; and

Whereas, due to funding disparities, 26 states, known as highway program donor states, receive less than their fair share of the federal fuel taxes that their citizens have paid into the highway account of the trust fund; from 1956 to 2001, Texas received only an average highway program rate of return of 78 percent on the funds sent to Washington; and

Whereas, currently, the United States Congress is drafting legislation to reauthorize TEA-21, which guaranteed a minimum rate

of return of 90.5 percent on federal highway programs; a coalition of the donor states seeks a guaranteed rate of return of 95 percent of their share of contributions to the federal Highway Trust Fund, calculated against all dollars being distributed to the 50 states; and

Whereas, a 95 percent rate of return would allow Texas to better address its highway construction, repair, and maintenance needs; highway projects enhance mobility, improve air quality, foster economic development, and support thousands of jobs in Texas: Now, therefore, be it

*Resolved*, that the 78th Legislature of the State of Texas hereby respectfully request the Congress of the United States to provide equity funding to Texas by increasing the state's highway program rate of return from the Highway Trust Fund to 95 percent of Texas' contributions to the fund; and be it further

*Resolved*, that the Texas secretary of state 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 the 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-273. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to the Clean Air Act as it pertains to safeguarding public health and protecting environmental quality; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT RESOLUTION NO. 4

Whereas, Section 111 of the Clean Air Act requires the adoption of federal standards (known as new source review) reflecting the best available control technology for facilities which cause, or contribute significantly to, air pollution which may endanger public health or welfare; and

Whereas, the United States Environmental Protection Agency (USEPA) adopted such standards of performance for the construction or modification of power plants; and

Whereas, the New Hampshire attorney general has alleged and is actively pursuing litigation against upwind power plant owners for violation of new source review here in New Hampshire and out-of-state; and

Whereas, the administration of President Bush is proceeding to implement modifications of the new source review program; and

Whereas, acid rain, which is damaging sensitive ecosystems, including the forests and lakes of New Hampshire, has been particularly attributed to emissions from coal-burning plants upwind of New Hampshire; and

Whereas, scientific research has established a well-defined link between power plant air emissions and human health impacts, including exacerbation of symptoms for those with asthma, increased risk of heart attacks for those with heart disease, causation of lung cancer and premature death; and

Whereas, there remains considerable controversy, uncertainty, and question as to whether the planned changes to new source review will result in continued, increased, or decreased air polluting emissions compared with current or alternative standards: Now therefore, be it

*Resolved by the Senate, the House of Representatives concurring*, That the general court of New Hampshire urges the President, George W. Bush, and the USEPA Administrator, Christie Whitman, to suspend implementation of modified regulations on new

source review pending independent scientific review of their projected impact by the National Academy of Sciences; and

That the general court urges the congressional delegation to take and support appropriate actions against any decision made by the administrator of the USEPA to modify the regulations implementing Section 111 of the Clean Air Act if the result would be to jeopardize New Hampshire's ability to safeguard public health and protect environmental quality, including a suspension of pending modified regulations pending independent scientific review by the National Academy of Sciences; and

That copies of this resolution, signed by the president of the Senate and the speaker of the House of Representatives be forwarded by the senate clerk to President George W. Bush, USEPA Administrator, Christie Whitman, and each member of the New Hampshire congressional delegation.

POM-274. A concurrent resolution adopted by the Legislature of the State of Texas relative to funding for the EPA Border Fund; to the Committee on Environment and Public Works.

#### HOUSE CONCURRENT RESOLUTION NO. 204

Whereas, the United States and Mexico created the North American Development Bank (NADB) to provide financing for environmental infrastructure projects, particularly those related to water supply, wastewater treatment, and solid waste management along their common border; and

Whereas, since its inception in 1995, NADB has financed 57 environmental infrastructure projects representing \$1.4 billion in border region improvements, a substantial return on the bank's \$494 million investment; and

Whereas, NADB established the Border Environment Infrastructure Fund (BEIF) in 1997 to receive and administer grants from other institutions, such as the U.S. Environmental Protection Agency (EPA), that can be combined with loans and guaranties to facilitate project financing; and

Whereas, to date, BEIF has received \$336 million from EPA's Border Fund, and this contribution is vital to making water and wastewater projects affordable, especially for the smallest and poorest communities; and

Whereas, Congress increased the Border Fund to \$75 million in fiscal year 2000, and this level of funding was again recommended for fiscal year 2003; however, the Border Fund received a congressional appropriation of only \$50 million; and

Whereas, reductions in the Border Fund and subsequent revenue losses to BEIF seriously undercut NADB's ability to finance water and wastewater infrastructure projects that are essential to environmental quality and the well-being of residents on both sides of the border: Now, therefore, be it

*Resolved*, That the 78th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to reinstate funding for the EPA Border Fund to \$75 million for fiscal year 2004 and to appropriate sufficient funds in subsequent years to address environmental infrastructure needs in the border region; and be it further

*Resolved*, That the Texas secretary of state 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 the 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-275. A resolution adopted by the House of Representatives of the Legislature

of the State of Florida relative to reinstating the federal income tax deduction for state and local sales taxes paid; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 9003-C

Whereas, prior to 1986, American taxpayers were allowed to deduct state and local sales taxes paid from their federal income tax liabilities, and

Whereas, the Tax Reform Act of 1986 repealed this deduction while it retained the deductibility of state and local income taxes, and

Whereas, the elimination of the deduction for payment of state and local sales taxes created a fundamental disparity adversely affecting citizens of Florida and six other states that do not levy a personal income tax, and

Whereas, while citizens in the 43 other states continue to deduct state and local income taxes, thereby reducing their federal income tax liability, taxpayers in Florida and six other states have no corresponding tax deduction, and

Whereas, in addition to fostering the inequitable treatment of individual taxpayers, this disparity also has worked against the states whose tax structure has no general individual income tax and relies heavily on sales taxes, and

Whereas, reinstating the deductibility of state and local sales taxes on federal income tax returns could generate substantial benefits for Florida's families and the state's economy, and

Whereas, as a matter of equity and fairness, Floridians and the citizens of other states that finance their budgets without an income tax deserve to benefit from federal income tax deductions comparable to those already enjoyed by the majority of United States taxpayers, and

Whereas, allowing taxpayers to deduct either their state and local income tax or state and local sales taxes paid in a given year would restore equity and fairness across the states, and

Whereas, federal legislation that reinstates the deductibility of state and local sales taxes is currently before the Congress: Now, therefore, be it

*Resolved by the House of Representatives of the State of Florida*, That the Congress of the United States is respectfully requested to reinstate the federal income tax deduction for state and local sales taxes paid; and be it further

*Resolved*, That copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM-276. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to Medicare; to the Committee on Finance.

#### RESOLUTION NO. 210

Whereas, there are 321 Medicare-certified agencies in the Commonwealth of Pennsylvania providing critical care each year in the homes of nearly half a million Pennsylvanians; and

Whereas, home health patients who receive Medicare services are typically the sickest, frailest and most vulnerable group of Pennsylvania's elderly population; and

Whereas, Congress in 1997 sought to cut growth in the Medicare home health benefit by \$16.2 billion over five years but resulted in cutting more than \$72 billion; and

Whereas, nearly one million fewer Medicare beneficiaries are qualifying for Medicare-reimbursed home care than in 1997; and

Whereas, additional cuts in the Medicare home health benefit would force many low-cost, efficient Pennsylvania agencies that are struggling under the current system to go out of business, thereby harming access to Medicare beneficiaries; and

Whereas, total elimination of the 15% cut has been postponed for the past two years; and

Whereas, the impending 15% cut is making it difficult for home health agencies to secure lines of credit and is discouraging investment in advanced technologies and staff benefits; and

Whereas, sixty-five members of the Untied States Senate have joined in a bipartisan letter that recommends the elimination of the 15% cut; and

Whereas, one hundred and thirteen members of the United States House of Representatives have joined in bipartisan letter that recommends the elimination of the 15% cut; and

Whereas, the Senate Budget Committee has noted to set aside the funds necessary to do away with the 15% cut; and

Whereas, the Medicare Payment Advisory Commission (MedPAC), the group established by Congress to advise it on Medicare policy, has called upon Congress to permanently eliminate the 15% cut in the Medicare home health benefit; and

Whereas, MedPAC has reported that there are three factors that can lead to an increase in cost for rural home health providers: travel, volume of services and lack of sophisticated management and patient care procedures; and

Whereas, Medicare home health services are delivered to a large rural population in Pennsylvania that often live miles apart, thereby increasing the cost of providing home health services in these areas: Therefore be it

*Resolved*, That the Senate of the Commonwealth of Pennsylvania urge Congress to permanently eliminate the 15% cut in the Medicare home health benefit and extend the 10% rural add-on to Medicare home health providers; and be it further

*Resolved*, That the Senate of the Commonwealth of Pennsylvania urge the President to support Congress in this effort to eliminate the 15% cut in the Medicare home health benefit and extend the 10% rural add-on to Medicare home health providers; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States, the Vice President of the Untied States, the Speaker of the United States House of Representatives and to each member of Congress from Pennsylvania.

POM-277. A concurrent resolution adopted by the Legislature of the State of Texas relative to the portion of the Internal Revenue Code regarding veterans and their families; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION NO. 161

Whereas, Texas has long been a leader in recognizing and rewarding the tremendous sacrifices of its veterans; and

Whereas, home ownership is viewed by many as a major component of the American Dream; and

Whereas, enabling veterans to achieve home ownership at a lower cost is but a small reward for their faithful service while in the U.S. Armed Forces; and

Whereas, in appreciation of this service on behalf of our state and nation, the Texas Veterans Land Board has offered below-market interest rates on home loan mortgages to eligible veterans since 1983; and

Whereas, this program has assisted more than 500,000 Texas veterans in obtaining af-

fordable housing and in making a better life for themselves and their dependents; and

Whereas, Texas utilizes federally tax-exempt bonds known as Qualified Veterans Mortgage Bonds to fund approximately 50 percent of all home and improvement loans made to veterans; and

Whereas, current federal law governing the use of tax-exempt bonds used to fund these loans, as contained in Section 143(I)(4) of the Internal Revenue Code of 1986, unfairly limits these programs to only those veterans who served prior to January 1, 1977; and

Whereas, this restriction unfairly prevents all veterans serving on active duty after 1976 from using Qualified Veterans Mortgage Bonds, including more than 500,000 men and women who served in Desert Shield and Desert Storm and the 8,000 reservists and National Guard members of Texas called up to serve our country since September 11, 2001; and

Whereas, these courageous men and women deserve the same benefits offered to their earlier counterparts, yet they and their families are being denied the opportunity to use Qualified Veterans Mortgage Bonds; and

Whereas, Congress has failed to remedy this discriminatory federal provision on behalf of these deserving men and women, despite the fact that it will not increase federal discretionary spending one cent: Now, therefore, be it

*Resolved*, That the 78th Legislature of the State of Texas hereby respectfully urge the 108th Congress to support legislative action to immediately remove the aforementioned discriminatory portion of the Internal Revenue Code in order that today's veterans and their families might enjoy the same benefits as their earlier counterparts; and be it further

*Resolved*, That the Texas secretary of state forward official copies of this resolution to the president of the United States, 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-278. A concurrent resolution adopted by the Legislature of the State of Texas relative to federal income tax deductibility of state and local sales taxes that existed before 1986; to the Committee on Finance.

#### SENATE CONCURRENT RESOLUTION NO. 1

Whereas, the Tax Reform Act of 1986 eliminated the deductibility of state and local sales taxes paid by federal income tax return filers while it retained the deductibility of state and local income taxes; and

Whereas, although the tax legislation was generally designed to simplify the federal income tax, eliminating the deduction for payment of state and local sales taxes created a fundamental disparity adversely affecting citizens of Texas and eight other states that do not levy a personal income tax; and

Whereas, while citizens in the 41 other states continue to deduct state and local income taxes, thereby reducing their federal income tax liability, taxpayers in Texas and a few other states have no corresponding tax deduction to ease their burden; the net effect of this imbalance is that Texans and citizens of eight other states pay a higher percentage of federal taxes than the majority of American taxpayers; and

Whereas, in addition to fostering the inequitable treatment of individual taxpayers, this disparity also has worked against the states whose tax structure has no general individual income tax and relies heavily on sales taxes; and

Whereas, a report published in March, 2002, by the Comptroller of Public Accounts of the State of Texas estimated that the inability to deduct state and local sales taxes could cost Texans more than \$700 million for the 2002 tax year and, if the deductions are not restored, could cost the state more than 16,000 jobs that otherwise would be created with a lower tax burden and an increase in disposal family income; and

Whereas, according to the report, reinstating the deductibility of state and local sales taxes on federal income tax returns could generate substantial benefits for Texas families and the state's economy; and

Whereas, a family of four with an income of \$60,000 could get an additional federal income tax deduction of \$1,015, and a single mother with one child and an income of \$35,000 could deduct an additional \$461; and

Whereas, the comptroller of public accounts estimates that the more than \$700 million in net tax savings that would stay in Texas could encourage \$590 million in new investments within the state and an \$874 million increase in the gross state product in 2003; and

Whereas, as a matter of equity and fairness, Texans and the citizens of other states that finance their budgets without an income tax deserved to benefit from federal income tax deductions comparable to those already enjoyed by the majority of United States taxpayers; federal legislation that reinstates the deductibility of state and local sales taxes is currently before the congress: Now, therefore, be it

*Resolved*, That the 78th Legislature of the State of Texas hereby respectfully request the Congress of the United States to restore the federal income tax deductibility of state and local sales taxes that existed before 1986; and be it further

*Resolved*, That the Texas secretary of state 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 the 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-279. A concurrent resolution adopted by the Legislature of the State of Texas relative to block grants to be used for public welfare and Medicaid purposes; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION NO. 58

Whereas, State Medicaid spending currently accounts for approximately 22 percent of total state spending; and

Whereas, under the Federal Medical Assistance Percentage, the federal share of state Medicaid spending provided to the State of Texas has decreased by 4.2 percent over the past 10 years; and

Whereas, average monthly Medicaid caseloads in the State of Texas are projected to increase to 2,885,583 by fiscal year 2005 from 2,376,193 in fiscal year 2003; and

Whereas, prescription drug costs are a major factor driving Medicaid expenditures, and annual Medicaid prescription levels in the State of Texas are projected to rise to 40,257,515 by fiscal year 2005, from 33,859,094 in fiscal year 2003; and

Whereas, the Congressional Budget Office projects that Medicaid spending under the current system will more than double by the year 2012; and

Whereas, the growth in federal spending of the Medicaid and welfare entitlements is astronomical and spiraling, significantly increasing the federal budget costs; and

Whereas, this growth will never be controlled unless the State of Texas has autonomous management of the program, free from federal mandates regarding individual entitlement, eligibility groups, benefits, payment rates, and financing structures to allow most citizens of the State of Texas to benefit from the Medicaid and welfare programs; and

Whereas, the State of Texas will be able to design and develop innovative, efficient, and productive medical assistance programs that will meet the needs of the residents within the State of Texas' budget capacity; and

Whereas, in the State of Texas, there exists the possibility to improve patient outcomes and cost-effectiveness with a statewide implementation of consumer-directed care under the state medical assistance program: Now, therefore, be it

*Resolved*, That the 78th Legislative of the State of Texas hereby respectfully urge the Congress of the United States to enact appropriate legislation to pass federal funds on to states via block grants to be used for public welfare and Medicaid purposes; and be it further

*Resolved*, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and the president of the senate of the United States Congress, the secretary of the United States Department of Health and Human Services and all the members of the Texas delegation to the congress with the request that this resolution be officially entered into the Congressional Record of the United States of America.

POM-280. A concurrent resolution adopted by the Legislature of the State of Texas relative to the medical savings account program; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION NO. 90

Whereas, Medical Savings Accounts (MSAs) offer an innovative alternative to high-premium insurance policies by combining tax-free savings accounts and high-deductible catastrophic health insurance plans; and

Whereas, individuals choosing to use these accounts can pay for routine and minor medical services with funds set aside in a tax-free savings account, while major health care costs are covered by their high-deductible health insurance plans; and

Whereas, tax-free MSAs encourage individuals to make wise and economical decisions about their health care because managing their own accounts often makes them more aware of the true costs of health care; MSAs also offer participants greater access to medical services and the freedom to choose their own health care providers; and

Whereas, a survey of MSA plan participants shows that employers offering MSAs to their employees have been able to reduce health insurance expenses by up to 40 percent; in contrast, employers overall have recently experienced an average 16 percent increase in health insurance premiums, with some small employers confronting increases of 40 to 50 percent; and

Whereas, the federal MSA pilot program, which was designed for small employer groups and the self-employed, carries restrictions that may discourage participation in the program and create confusion among potential applicants, employers, and insurance providers; and

Whereas, the federal MSA pilot program limits annual deductibles for participating employees to not less than \$1,700 or more than \$2,500 for an individual and not less than \$3,500 or more than \$6,150 for a family; annual out-of-pocket expenses under the

plan cannot exceed \$3,350 for individual coverage and \$6,150 for family coverage; and annual limits for account contributions are 65 percent of the deductible for an individual account and 75 percent of the deductible for a family account; and

Whereas, according to 1996 data, about 85 percent of Americans incurred medical expenses, with an average per-person expenditure of about \$2,400, an amount well within the range limits of the MSA annual contribution for an individual account; even more significant is the fact that about half of those persons who incurred medical expenses had expenses of less than \$560; and

Whereas, any unspent MSA funds for a given year may be rolled over to the following year; after age 65, unspent funds can be rolled over to an Individual Retirement Account or withdrawn without penalty for any use and taxed as ordinary income; and

Whereas, expanding the availability of MSAs to other employers, increasing the account contribution limits, and lowering the limits on annual deductibles for participating employees would encourage greater participation among consumers, employers, and insurance providers: Now, therefore, be it

*Resolved*, That the 78th Legislature of the State of Texas hereby respectfully request the Congress of the United States to broaden the scope and availability of the medical savings account program, remove its restrictions, and allow state governments to design such programs for their employees; and be it further

*Resolved*, That the Texas secretary of state 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 members of the Texas delegation to the 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.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004" (Rept. No. 108-148).

#### 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. ROCKEFELLER (for himself, Mr. HOLLINGS, Mr. LAUTENBERG, and Mr. NELSON of Florida):

S. 1618. A bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes; read the first time.

By Mrs. MURRAY (for herself and Mr. DEWINE):

S. 1619. A bill to amend the Individuals with Disabilities Education Act to ensure that children with disabilities who are homeless or are wards of the State have access to special education services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1620. A bill to condition the implementation of assessment procedures in connection

with the Head Start National Reporting System on Child Outcomes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 1621. A bill to provide for consumer, educational institution, and library awareness about digital rights management technologies included in the digital media products they purchase, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE (for Mr. GRAHAM of Florida (for himself, Mr. HAGEL, Mrs. CLINTON, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. DAYTON, Mr. AKAKA, and Mrs. MURRAY)):

S. 1622. A bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized; to the Committee on Armed Services.

By Mr. DURBIN:

S. 1623. A bill for relief of Elvira Arellano; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 226. A resolution to authorize representation by the Senate Legal Counsel in the case of *Josue Orta Rivera v. Congress of the United States of America*, et al; considered and agreed to.

By Mr. BAYH (for himself and Mr. LUGAR):

S. Res. 227. A resolution expressing the profound sorrow of the Senate for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends and loved ones; considered and agreed to.

By Mr. FEINGOLD:

S. Con. Res. 69. A concurrent resolution providing that any agreement relating to trade and investment that is negotiated by the executive branch with other countries must comply with certain minimum standards; to the Committee on Finance.

#### ADDITIONAL COSPONSORS

S. 242

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 242, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 514

At the request of Mr. BUNNING, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 514, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S.