

Source Performance Standards" (FRL#7623-3) received on February 12, 2004; to the Committee on Environment and Public Works.

EC-6361. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority to the Oregon Department of Environmental Quality for New Source Performance Standards" (FRL#7622-6) received on February 12, 2004; to the Committee on Environment and Public Works.

EC-6362. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination to Stay and/or Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District" (FRL#7621-2) received on February 12, 2004; to the Committee on Environment and Public Works.

EC-6363. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary and Secondary Drinking Water Regulations: Approval of Additional Method for the Detection of Coliforms and E. Coli in Drinking Water" (FRL#7622-8) received on February 12, 2004; to the Committee on Environment and Public Works.

EC-6364. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Texas Underground Injection Control Program Approved Under Section 1422 of the Safe Drinking Water Act and Administered by the Railroad Commission of Texas" (FRL#7622-9) received on February 12, 2004; to the Committee on Environment and Public Works.

EC-6365. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Texas Underground Injection Control Program Approved Under Section 1422 of the Safe Drinking Water Act and Administered by the Texas Commission on Environmental Quality" (FRL#7623-1) received on February 12, 2004; to the Committee on Environment and Public Works.

EC-6366. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL#7614-9) received on February 12, 2004; to the Committee on Environment and Public Works.

EC-6367. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a report entitled "Tribal Pesticide and Special Projects"; to the Committee on Environment and Public Works.

EC-6368. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Filing of Applications and Related Forms" (RIN0960-AF52) received on January 20, 2004; to the Committee on Finance.

EC-6369. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Australia; to the Committee on Foreign Relations.

EC-6370. A communication from the Director, Business Operations, Defense Security Cooperation Agency, transmitting, pursuant to law, a report of actions required by Presi-

dential Determination 02-16; to the Committee on Foreign Relations.

EC-6371. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Governmental Affairs.

EC-6372. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Senior Executive Pay and Performance Awards" received on February 12, 2004; to the Committee on Governmental Affairs.

EC-6373. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Information Technology Exchange Program" received on February 12, 2004; to the Committee on Governmental Affairs.

EC-6374. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, Governmental Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2001-19" (FAC2001-19) received on February 12, 2004; to the Committee on Governmental Affairs.

EC-6375. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the Board's report under the Government in Sunshine Act for the National Science Board in calendar year 2003; to the Committee on Governmental Affairs.

EC-6376. A communication from the Director, Office of Personnel Management, transmitting, a draft of proposed legislation to repeal retirement benefits provided by section 226 of Public Law 108-176 for certain air traffic control supervisors, and for other purposes; to the Committee on Governmental Affairs.

EC-6377. A communication from the Director, Workforce Relations and Accountability Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" (RIN3206-AJ93) received on February 12, 2004; to the Committee on Governmental Affairs.

EC-6378. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Performance-Based Child Support Incentive System; to the Committee on Health, Education, Labor, and Pensions.

EC-6379. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Pediculicide Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph" (RIN0910-AA01) received on February 12, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6380. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Biological Products; Bacterial Vaccines and Toxoids; Implementation of Efficacy Review" (Doc. No. 1980N-0208) received on February 12, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6381. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Magnet Schools Assistance Program" (RIN1855-AA01) received on February 12, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6382. A communication from the Assistant Secretary for Administration and Man-

agement, Department of Health and Human Services, transmitting, pursuant to law, a copy of the commercial and inherently governmental activities inventory of the Department; to the Committee on Health, Education, Labor, and Pensions.

EC-6383. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to routine screening for thyroid dysfunction; to the Committee on Health, Education, Labor, and Pensions.

EC-6384. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Board's Justification of Budget Estimates for Fiscal Year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-6385. A communication from the Director, Faith Based and Community Initiatives Task Force, Office of the Attorney General, transmitting, pursuant to law, the report of a rule entitled "Participation in Justice Department Programs by Religious Organizations Providing for Equal Treatment for all Justice Department Program Participants" (RIN1105-AA83) received on February 12, 2004; to the Committee on the Judiciary.

EC-6386. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2002 Annual Report to Congress for the Bureau of Justice Assistance; to the Committee on the Judiciary.

EC-6387. A communication from the Chief Judge, United States Court of Federal Claims, transmitting, pursuant to law, a report relative to *Hardwick, Inc. v. United States*; to the Committee on the Judiciary.

EC-6388. A communication from the National Commander, American Ex-Prisoners of War, transmitting the American Ex-Prisoners of War's financial statements for the year ended August 31, 2003; to the Committee on the Judiciary.

EC-6389. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Extension of Administrative Fines Program" received on February 10, 2004; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

POM-352. A memorial adopted by the Senate of the Legislature of the State of Florida relative to enacting a Medicare Prescription Drug Benefit; to the Committee on Finance.

SENATE MEMORIAL NO. 1180

Whereas, the use of prescription drugs improves the quality of care and helps patients live healthier, longer, and more productive lives while keeping them out of more costly acute care settings in the long term, and

Whereas, the increased use of new and improve prescription drugs has changed the delivery of health care in the United States since Medicare was enacted, and while two-thirds of the Medicare population has some form of prescription drug coverage, although it many times is inadequate, one-third of Medicare beneficiaries have no coverage at all, and

Whereas, Congress did not enact a drug benefit in the Medicare program, and therefore the program is inadequate in providing the elderly and disabled the most appropriate drug therapies, preventing the delivery of quality health care at an affordable cost, and

Whereas, the private sector provides affordable coverage by negotiating discounts on drugs and meeting the needs of special populations with chronic diseases and those with co-morbidities through coordinating

care with disease management, drug utilization review, and patient education programs, all of which aid in ameliorating medical errors, and

Whereas, comprehensive reform of the Medicare program would use the successful tools of the private sector in coordinating care for this population and use the marketplace to foster competition among private plans, resulting in more choices of quality coverage for seniors and the disabled while maintaining the financial sustainability of the program, and

Whereas, Congress's inaction has failed to provide for comprehensive reform of Medicare, encouraging states to use their own resources to ease the burden of their elderly and disabled populations and effectively to assume an unfunded, informal mandate, and

Whereas, in implementing state programs to assist the Medicare population, state budgetary constraints can often result in requirements to restrict and limit the patient's access to needed prescription drugs, and enact anticompetitive price controls: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States is urged to enact financially sustainable, voluntary, universal, and privately administered out-patient prescription drug coverage as part of the federal Medicare program; be it further

Resolved, That copies of this memorial 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-353. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to economic stability and future growth; to the Committee on Finance.

SENATE RESOLUTION NO. 137

Whereas, the attack on America of September 11, 2001, was a shock to the Commonwealth of Pennsylvania and the nation; and

Whereas, there is an ongoing military and multidimensional response to terrorism that is strongly supported throughout this Commonwealth; and

Whereas, the United States faces the potential of a serious recession, having already lost 50,000 manufacturing jobs in Pennsylvania alone since the beginning of the year, and the September 11, 2001, attack on America may cause the loss of thousands of additional jobs; and

Whereas, the Congress of the United States has already taken critical action to support affected industries and is proposing additional aid to business; and

Whereas, the Congress is considering an economic stimulus package; and

Whereas, the core goal of an economic stimulus package is the stabilization of communities; and

Whereas, supporting business to stabilize employment must be a critical part of any economic stimulus package to be adopted by the Congress; and

Whereas, support for negatively impacted workers must be included as part of any economic stimulus package to stabilize the economy; and

Whereas, supporting state and local governments to avoid or mitigate a lessening of state or local tax revenues is a critical part of any economic stimulus package; and

Whereas, the economic stimulus package should include the following provisions: extending federally funded unemployment compensation, where needed, by 26 weeks; aiding workers by improving health care ac-

cess with the Federal Government at least paying 75% of the COBRA health care costs and other health care assistance; siding workers by fully funding targeted training and worker reemployment programs and taking action to assist with mortgages of personal residences and to stabilize other credit transactions; and

Whereas, if the Congress does not address the critical areas of economic stimulus, business, workers and state and local government, these costs will have to be borne by state and local governments, workers and business; Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the Congress of the United States to address the critical areas that will create economic stability and allow future growth; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-354. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to trade with foreign nations; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 166

Whereas, through international agreements and in the spirit of fair and balanced trade, the United States dollar is allowed to float freely, with little to no market intervention; and

Whereas, many of the trade partners with the United States, including, but not limited to, the European Union, Canada, and Mexico, operate with a floating exchange rate within the international financial system; and

Whereas, there are nations that are able to sell goods at rates lower than the cost of production in the United States, in part, through a manipulation of their nation's currency. This contributes significantly to creating an unfair trade balance; and

Whereas, foreign countries that manipulate their currency are able to sell goods in the United States at an artificial price, lower than the cost of domestically produced products. Doing so undercuts American manufactured products, and it may soon eliminate domestic manufacturing; and

Whereas, the loss of the domestic manufacturing industry poses a substantial threat to the nation's security by requiring the United States to depend on other nations to produce critical components for our defense programs.

Whereas, currency manipulation has contributed to substantial trade deficits with certain nations. The increase in the trade deficit with China alone, one of the countries known for currency manipulation, represents about 15 percent of the decline in United States production since 2000; and

Whereas, Article IV of the International Monetary Fund Articles of Agreement states that members shall "avoid manipulating exchange rates for the international monetary system in order to prevent effective balance of payments adjustment or to gain an unfair competitive advantage over other members." Under IMF surveillance procedures, a principal indicator of such manipulation is "protracted large scale intervention in one direction in the exchange market": Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to take the necessary actions, through the International Monetary Fund or otherwise, to ensure that foreign nations that trade with the United States do so fairly and do not manipulate their currency; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Commerce, and the members of the Michigan congressional delegation.

POM-355. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to funding for the Low Income Home Energy Assistance Program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 486

Whereas, our present economic situation continues to result in thousands of Pennsylvanians being laid off from their jobs or having to take lesser-paying jobs; and

Whereas, high energy prices lead to all Pennsylvanians, especially low-income families, the elderly and the working poor, having less money to spend on the basic necessities of life such as food, clothing and shelter in the winter months; and

Whereas, because of high natural gas prices during the summer months, when gas companies normally fill their reserves, Pennsylvania's natural gas distribution companies expect to significantly raise their prices up to 30 percent since the beginning of this year; and

Whereas, for typical home heating customers, this situation could mean that natural gas customers will face bills this coming winter of \$30 to \$45 per month higher than a year ago; and

Whereas, the cost of home heating oil has risen more than 25 percent since last winter, and recent announcements of future production cuts by the Organization of the Petroleum Exporting Countries (OPEC) may again lead to higher prices this winter; and

Whereas, the Congress has begun to debate, but not yet agreed on, final appropriations for the Low Income Home Energy Assistance Program (LIHEAP) for the next fiscal year which commences on October 1, 2003; and

Whereas, the United States House of Representatives has so far only agreed to support \$1.8 billion in regular and contingency LIHEAP assistance; and

Whereas, the President of the United States has proposed and the United States Senate has so far agreed to support a total of \$2 billion in regular and contingency LIHEAP assistance; and

Whereas, the United States Senate recently defeated an effort to authorize another \$300 in emergency LIHEAP spending that would lead to a total of \$2.3 billion for LIHEAP; and

Whereas, increasing LIHEAP funding should entitle the Commonwealth of Pennsylvania to a proportionate increase in LIHEAP funds and would enable more people facing colder weather and decreased income to help meet their present need for heating assistance; Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and the Congress of the United States to support efforts to increase LIHEAP funding over last year's funding; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-356. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to biological and chemical attacks; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 128

Whereas, S. 1508 was introduced in the Congress of the United States on October 4, 2001; and

Whereas, the bill is intended to increase the preparedness of the United States to respond to a biological or chemical weapons attack; and

Whereas, if enacted in its current form, the bill will be known as the Biological and Chemical Attack Preparedness Act and will require the states to develop and implement a public health disaster plan for responding to biological or chemical attacks within a certain time period of publication of standards developed by the Secretary of Health and Human Services; and

Whereas, the bill also authorizes the Secretary of Health and Human Services to award grants to hospitals and health care providers to provide training, give treatment, purchase equipment and employ personnel consistent with the public health disaster plans of the states; and

Whereas, the Senate of the Commonwealth of Pennsylvania supports the intent and concept of the bill pending in Congress: Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to enact S. 1508, which increases the preparedness of the United States to respond to a biological or chemical weapons attack; and be it further

Resolved, That a copy of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-357. A resolution adopted by the Senate of the Legislature of the State of Texas relative to the ability of federal courts to levy or increase taxes; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 373

Whereas, in 1990, the United States Supreme Court, in the case of *Missouri, et al. v. Jenkins*, et al. (495 U.S. 33), chose to disregard Article I, Section 8, of the United States Constitution, which reserves exclusively to the legislative branch of government the power to tax the citizenry; and

Whereas, in drafting that constitutional section and allocating the power of taxation, the Founding Fathers drew on the *Petition of Right*, an English law initiated by Sir Edward Coke, then approved by the British House of Commons and accepted by King Charles I on June 7, 1628, which states in pertinent part that "... no man hereafter [may] be compelled to make or yield any ... tax ... without common consent by Act of Parliament ..."; and

Whereas, in 1787, the framers of the United States Constitution reiterated that time-tested principle of limited taxation, specifically vesting with the legislative branch the "... Power To lay and collect Taxes, Duties, Imposts and Excises ..."; and

Whereas, their intent is unambiguous, made clear by the analysis of James Madison, who observed in *The Federalist* No. 48 that "... the legislative department alone has access to the pockets of the people ..."; and

Whereas, the same view is expressed by Alexander Hamilton, who asked rhetorically in *The Federalist* No. 33, "[w]hat is the power of laying and collecting taxes but a legislative power ...?," and follows consistently in *The Federalist* No. 78, in which he argued that the judiciary should be the least dangerous branch of government inasmuch as judges would have "... no influence over either the sword or the purse ..."; and

Whereas, yet today, Hamilton's argument no longer rings true; through legal orders and the exercise of judicial threat and intimidation, federal courts have usurped the power of the legislative branch and have

gone so far as to apply it even to nonfederal levels of government, mandating state and local requirements that have the direct, or indirect, effect of imposing judicial taxes on the states and their political subdivisions; and

Whereas, in so vesting itself by fiat with control of the public purse strings, the federal judiciary has contravened and over-ridden the constitutional separation of powers between the different branches and levels of government, threatening creation of a fiscal oligarchy un beholden to influence by the electorate; and

Whereas, the states and congress have too long ignored this self-proclamation and seizure of taxation powers, and it behooves all Americans to preserve their rights by the adoption of an amendment to the Constitution of the United States, re-establishing the fundamental link between taxation and representation; and

Whereas, seeking to reverse the aforementioned *Jenkins* decision of 1990, lawmakers in 23 other states—and in two territories of the United States—beginning in 1993, have already adopted and transmitted to congress memorials requesting that congress propose an amendment to the United States Constitution, and those memorials have been entered in the Congressional Record as follows:

the Missouri General Assembly in 1993 (Senate Concurrent Resolution No. 9) designated as POM-175 in Volume 139 of the Congressional Record at page 14565;

the Colorado General Assembly in 1994 (Senate Joint Memorial No. 94-2) designated as POM-569 in Volume 140 of the Congressional Record at page 15070;

the New York Senate in 1994 (Senate No. 3353) designated as POM-578 in Volume 140 of the Congressional Record at page 15073;

the Tennessee General Assembly in 1994 (Senate Joint Resolution No. 372) designated as POM-580 in Volume 140 of the Congressional Record at page 15074;

the Arizona Legislature in 1995 (Senate Concurrent Resolution No. 1014) designated as POM-523 in Volume 142 of the Congressional Record at pages 6586 and 6587;

the Louisiana Legislature in 1995 (Senate Concurrent Resolution No. 11) designated as POM-525 in Volume 142 of the Congressional Record at pages 6587;

the Massachusetts Senate in 1995 (unnumbered resolution) designated as POM-625 in Volume 142 of the Congressional Record at pages 14940 and 14941 and designated as POM-638 at page 15486;

the Nevada Legislature in 1995 (Senate Joint Resolution No. 2) designated as POM-287 in Volume 141 of the Congressional Record at page 22422;

the Alaska Legislature in both 1996 and 1998 (House Joint Resolution No. 30 in 1996) designated as POM-622 in Volume 142 of the Congressional Record at pages 14939 and 14940; (House Joint Resolution No. 57 in 1998) designated as POM-515 in Volume 144 of the Congressional Record at page S9042;

the Michigan Legislature in 1996 (Senate Concurrent Resolution No. 278) designated as POM-444 in Volume 144 of the Congressional Record at page S5515;

the South Dakota Legislature in 1996 (House Concurrent Resolution No. 1010) designated as POM-526 in Volume 142 of the Congressional Record at page 6587;

the Delaware General Assembly in 1997 (House Concurrent Resolution No. 6) designated as POM-120 in Volume 143 of the Congressional Record at page S5252;

the Alabama Legislature in 1998 (House Joint Resolution No. 261) designated as POM-416 in Volume 144 of the Congressional Record at page S9405;

the Oklahoma Legislature in 1998 (Senate Concurrent Resolution No. 50) designated as POM-479 in Volume 144 of the Congressional Record at pages S6404 and S6405;

the Illinois Senate in 1999 (Senate Resolution No. 216) designated as POM-449 in Vol-

ume 146 of the Congressional Record at page S1814 and designated as POM-512 at page S3611;

the Utah Legislature in 1999 (House Joint Resolution No. 5) designated as POM-285 in Volume 145 of the Congressional Record at page S9945;

the Kansas Legislature in 2000 (House Concurrent Resolution No. 5059) designated as POM-527 in Volume 146 of the Congressional Record at page S4378;

the New Hampshire General Court in 2000 (House Concurrent Resolution No. 27) designated as POM-531 in Volume 146 of the Congressional Record at page S6469;

the Pennsylvania General Assembly in 2000 (Senate Resolution No. 47) designated as POM-642 in Volume 146 of the Congressional Record at pages S11788 and S11789;

the South Carolina General Assembly in 2000 (House Concurrent Resolution No. 4434) designated as POM-641 in Volume 146 of the Congressional Record at page S11575;

the West Virginia Legislature in 2000 (House Concurrent Resolution No. 5) designated as POM-442 in Volume 146 of the Congressional Record at page S1669;

the House of Representatives of the Commonwealth of the Northern Mariana Islands—a territory of the United States—in 2000 (House Resolution No. 12-109) designated as Memorial No. 1 in Volume 147 of the Congressional Record at page H111; as well as the Senate of the Commonwealth of the Northern Mariana Islands, likewise in 2000, (Senate Resolution No. 12-33) designated as POM-46 in Volume 147 of the Congressional Record at page S4244;

the North Dakota Legislative Assembly in 2001 (House Concurrent Resolution No. 3031) designated as POM-7 in Volume 147 of the Congressional Record at pages S3704 and S3705;

the Legislature of the United States Territory of Guam in 2001 (Resolution No. 6) designated as POM-357 in Volume 148 of the Congressional Record at page S10570; and

the Wyoming Legislature in 2002 (Senate Joint Resolution No. SJ003, later styled Enrolled Joint Resolution No. 2) designated as POM-250 in Volume 148 of the Congressional Record at pages S5630 and S5631; now: Therefore, be it

Resolved, That the Senate of the 78th Legislature of the State of Texas, Regular Session, 2003, hereby memorialize the United States Congress to propose and submit to the states for ratification as amendment to the United States Constitution to prohibit all federal courts from ordering or instructing any state or political subdivision thereof, or an official of any state or political subdivision, to levy or increase taxes; and, be it further

Resolved, That the congress be respectfully requested to entertain the following suggested text for such an amendment: "ARTICLE Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes"; and, be it further

Resolved, That the secretary of the Texas Senate forward official copies of this resolution to the vice president of the United States, to the speaker of the United States House of Representatives, and to all members of the Texas delegation to the congress, with the request that this resolution be entered officially in the Congressional Record as a memorial to the Congress of the United States of America to propose for ratification a federal constitutional amendment to prohibit judicially imposed taxes.

POM-358. A joint resolution adopted by the Legislature of the State of Ohio relative to ratification of the Fourteenth Amendment; to the Committee on the Judiciary.

AMENDED SENATE JOINT RESOLUTION NO. 2

Whereas, both houses of the thirty-ninth Congress of the United States of America, at the first session of such Congress, by a constitutional majority of two-thirds of the members of each house thereof, made a proposition to amend the Constitution of the United States in the following words, to wit: "Joint Resolution proposing an amendment to the constitution of the United States.

Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, (two-thirds of both houses concurring.) That the following article be proposed to the legislatures of the several states as an amendment to the constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as a part of the constitution, namely: ARTICLE XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of make citizens, twenty one years of age in such state.

Sec. 3. No person shall be a senator or representative in congress, or elector of president or vice president, or hold any office, civil or military, under the United States, or under any state, who having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability.

Sec. 4. the validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any state, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Sec. 5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Whereas, the General Assembly of the State of Ohio ratified the Fourteenth Amendment to the United States Constitu-

tion by a Joint Resolution adopted January 11, 1867, but by a further Joint Resolution, voted to rescind its ratification of the Amendment on January 15, 1868, before the Amendment became effective in July 1868; and

Whereas, the State of Ohio is considered by many authorities to have ratified the Amendment, but other authorities assert that Ohio's rescission may have been valid; and

Whereas, the validity of the Fourteenth Amendment is indisputable regardless of the validity of Ohio's rescission because Congress approved it by a two-thirds majority on June 13, 1866, and every State in the Union at the time has subsequently supported it, thereby exceeding the necessary three-quarters majority; and

Whereas, the Fourteenth Amendment is the primary guaranty for individual rights and liberties through its protection of the privileges and immunities of citizens of the United States, its prohibition on the deprivation of life, liberty or property without due process of law, and its guaranty of equal protection of the laws; and

Whereas, the ratification of the Fourteenth Amendment demonstrates the support of the people of the State of Ohio for the principles embodied therein: Now therefore be it

Resolved by the General Assembly of the State of Ohio, That the said Amendment to the Constitution of the United States is hereby ratified; and be it further

Resolved, That the Secretary of State of the State of Ohio be directed to deliver to the Governor of this state a certified copy of this resolution, and such certified copy shall be forwarded at once by the Governor to the Administrator of General Services, United States Government, Washington, D.C., to the President Pro Tempore of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Secretary of State of the United States.

POM-359. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to intellectual property rights; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 164

Whereas, since the birth of our nation, the United States has amassed a remarkable record of creativity and discovery. Our history is replete with the development of new goods and production methods to advance the quality of life, and we have developed a strong economy based on these discoveries; and

Whereas, members of the manufacturing industry have cited a number of examples where companies in other nations have been infringing upon intellectual property rights. This has resulted in financial losses and further exacerbated the challenges faced by our manufacturers; and

Whereas, the World Trade Organization and the World Intellectual Property Organization implemented a set of standards and principles outlining how international intellectual property rights should be applied and how to settle disputes between members of the World Trade Organization and the World Intellectual Property Organization; and

Whereas, the United States can defend the intellectual property rights of domestic business through the procedures established by the World Trade Organization and the World Intellectual Property Organization; and

Whereas, to ensure a vibrant economic recovery in Michigan, our businesses and entrepreneurs must be secure in their intellectual property, for it is through these innova-

tions that companies build their economic strength and maintain their competitiveness: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to expand its efforts through the World Trade Organization and the world Intellectual Property Organization to ensure that the intellectual property of domestic businesses and individuals is protected and that actions are taken against those countries that violate the World Trade Organization and World Intellectual Property Organization standards; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States of America, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Commerce, the Under Secretary of Commerce for Intellectual Property in the United States Patent and Trade Office, and the members of the Michigan congressional delegation.

POM-360. A joint resolution adopted by the General Assembly of the State of New Jersey relative to New Jersey's ratification of the Fourteenth Amendment; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 16

Whereas, the Fourteenth Amendment to the United States Constitution granted citizenship to, and protected the civil liberties of, freed slaves; and

Whereas, the Fourteenth Amendment also prohibits states from abridging the privileges or immunities of any citizen, depriving any person of life, liberty, or property without due process of law, or denying any person equal protection of the laws; and

Whereas, the rights guaranteed by the Fourteenth Amendment are part of the foundation of our free society; and

Whereas, in 1866, the New Jersey Legislature acted to ensure these rights by ratifying the Fourteenth Amendment; and

Whereas, thereafter, the New Jersey Legislature, in 1868, attempted to withdraw its ratification of this amendment by passage of Joint Resolution No. IV; and

Whereas, both the Federal Secretary of State and the Congress refused to recognize New Jersey's attempt to withdraw ratification and the Fourteenth Amendment became a part of the United States Constitution on July 20, 1868; and

Whereas, the attempt to withdraw New Jersey's ratification of the Fourteenth Amendment is contrary to this State's long tradition of respect for, and protection of, the civil rights of all persons; and

Whereas, even though the attempt to withdraw New Jersey's ratification of the Fourteenth Amendment was without effect, there is, nevertheless, a need to rectify this misguided action: Now, therefore, be it

Resolved by the Senate and General Assembly of the State of New Jersey:

1. Joint Resolution No. IV of 1868 which attempted to withdraw New Jersey's ratification of the Fourteenth Amendment is hereby revoked.

2. Duly authenticated copies of this Joint Resolution shall be transmitted to the federal Secretary of State, the presiding officers of the Congress of the United States, and each member of New Jersey's congressional delegation.

3. This Joint Resolution shall take effect immediately.

POM-361. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to supporting capital activities in Michigan; to the Committee on Small Business and Entrepreneurship.

SENATE RESOLUTION NO. 163

Whereas, access to capital is a key component of establishing a new enterprise. The ability to raise sufficient funding to start a business is one of the major hurdles any entrepreneur faces in attempting to create a new company; and

Whereas, because the creation of new businesses is fundamental to job creation and a successful economy, making capital more available to start-up companies is a challenge of great significance to our communities and the entire country. In response to the need, Congress has on several occasions enacted measures to encourage the establishment of new business. Congressional tools, including tax incentives for high-risk companies at the early stages of development and other moves that encourage investment in start-up ventures, can be highly beneficial; and

Whereas, Michigan is strongly committed to encouraging venture capital investment in this state. Our efforts, however, will not be nearly as effective as they could be without similar leadership from Congress. A multi-pronged effort, with both the states and the national government encouraging private enterprise, can lead to greater innovation in any number of fields. This innovation, a hallmark of American society is critical to the vitality of our national economy as we respond to challenges in an era of great change: Now, therefore, be it

Resolved by the senate, That we memorialize the Congress of the United States to enact measures that support venture capital activities in Michigan; and be it further

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-362. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to a federal charter for the Korean War Veterans Association; to the Committee on Veteran's Affairs.

SENATE RESOLUTION NO. 187

Whereas, as our country has marked the fiftieth anniversary of the ending of hostilities in Korea, historians, policymakers, and veterans of that difficult conflict have reflected on the impact of the war on our country and the world. Revisiting the events surrounding the Korean War has brought public attention to many aspects of what some call "the forgotten war"; and

Whereas, unlike other veterans groups, the Korean War Veterans Association does not have a federal charter. Without this charter, this respected organization—the only veterans groups comprised entirely of veterans of the Korean War—cannot provide the same level of services other groups can. This deficiency makes it more difficult for members and families to receive appropriate services; and

Whereas, legislation to extend a federal charter to the Korean War Veterans Association is pending in both the House of Representatives (H.R. 1043) and the Senate (S. 478) of the Congress. Enactment of this measure will enable the Korean War Veterans Association to provide a wider range of services, especially the processing of claims. Clearly, this long-overdue status will assist our heroes of the Korean War and express the nation's respect for their sacrifices and honor: Now, therefore, be it

Resolved by the senate, That we memorialize the Congress of the United States to enact legislation to grant a federal charter to the Korean War Veterans Association; and be it further

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-363. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to a new national veterans' cemetery in Philadelphia; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 124

Whereas, veterans residing in metropolitan Philadelphia are in desperate need of a new national veterans cemetery; and

Whereas, southeastern Pennsylvania veterans do not have the opportunity to be buried in a veterans cemetery within 75 miles of their home, as the Department of Veterans Affairs guidelines require, and this imposes an emotional and physical burden on their surviving loved ones; and

Whereas, the importance of and need for a veterans cemetery in the southeastern Pennsylvania region has already been recognized by the 108th Congress; and

Whereas, for providing heroic service and sacrifice to our nation, southeastern Pennsylvania veterans should have the opportunity to be buried close to home: Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to pass H.R. 1516; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-364. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania urging Congress to not lower veterans' benefits in the budget; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 161

Whereas, the Congress of the United States is considering a proposed national budget that includes further reductions to veterans' health care benefits based on establishing new annual enrollment fees, more than doubling copay requirements and restricting long-term access to benefits for future veterans currently serving their country on active duty at home and abroad; and

Whereas, the proposed reductions to veterans' health care benefits come at a time when this country is experiencing a nationwide health care crisis that forces millions of senior citizens, many of whom are veterans living on fixed income, to choose between purchasing food or medical services and prescription drugs to treat life-threatening illnesses; and

Whereas, the health care benefit needs of veterans deserve to be given a higher priority in the national budget so as to ensure the full funding of veterans' health care programs: Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to not reduce veterans' benefits in the national budget; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

EXECUTIVE REPORT OF
COMMITTEE

The following executive report of committee was submitted:

By Mr. GRASSLEY for the Committee on Finance.

*Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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 Mrs. MURRAY (for herself, Mr. LEAHY, and Mr. REID):

S. 2068. A bill to enhance and improve benefits for members of the National Guard and Reserves who serve extended periods on active duty, and for other purposes; to the Committee on Finance.

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

S. 2069. A bill to expand the S visa classification to include aliens who are in possession of critical reliable information with respect to weapons of mass destruction, to establish a Weapons of Mass Destruction Informant Center, and for other purposes; to the Committee on the Judiciary.

By Mr. HAGEL:

S. 2070. A bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to implement the United States Animal Identification Plan, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL (for himself and Mr. KENNEDY):

S. 2071. A bill to expand the definition of immediate relative for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. CRAIG:

S. 2072. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable tax credit for elder care expenses; to the Committee on Finance.

By Mr. CORNYN (for himself and Mr. LOTT):

S. 2073. A bill to amend chapter 1 of title 3, United States Code, relating to Presidential succession; to the Committee on Rules and Administration.

By Mr. DORGAN:

S. 2074. A bill for the relief of Klas Dieter Hinze, Heidi Hinze, Annamarie Hinze, and Robert Arndt; to the Committee on the Judiciary.

By Mr. REID (for himself, Mrs. LINCOLN, and Mr. BREAUX):

S. 2075. A bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 2076. A bill to amend title XI of the Social Security Act to provide direct congressional access to the office of the Chief Actuary in the Centers for Medicare & Medicaid Services; to the Committee on Finance.

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

S. 2077. A bill to amend title XIX of the Social Security Act to permit additional States to enter into long-term care partnerships under the Medicaid Program in order to promote the use of long-term care insurance; to the Committee on Finance.