

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3550. An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

## ENROLLED BILL SIGNED

At 4:01 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3108. An act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2290. A bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7036. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a report of a violation of the Antideficiency Act in the United States Coast Guard; to the Committee on Appropriations.

EC-7038. A communication from the Deputy Associate Administrator, Office of Acquisition policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2001-20" (FAC2001-20) received on April 5, 2003; to the Committee on Armed Services.

EC-7039. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report on the quality of health care furnished under the health care programs of the Department; to the Committee on Armed Services.

EC-7040. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, the National Defense Stockpile Annual Materials Plan for Fiscal Year 2005; to the Committee on Armed Services.

EC-7041. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the National Defense Stockpile; to the Committee on Armed Services.

EC-7042. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, a report relative to the Trust's operations and financial condition; to the Committee on Finance.

## PETITIONS AND MEMORIALS

POM-387. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to their ratification of the Fourteenth Amendment; to the Committee on the Judiciary.

## JOINT RESOLUTION

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 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 the 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-388. A joint resolution adopted by the Legislature of the State of California relative to disabled military retirees; to the Committee on Armed Services.

## ASSEMBLY JOINT RESOLUTION NO. 34

Whereas, a penalty is imposed against disabled military retirees for concurrent re-

ceipt of retirement and disability compensation; and

Whereas, if a member of the armed forces retires with 20 or more years of service to this country, earning retirement compensation, and this same retiree has a major disability resulting from wounds or service connected activities, \$1 from his or her retirement check is deducted for each dollar of disability payment received; and

Whereas, this law requires retired military personnel to do something no one else in America is obligated to do—pay for their own disability; and

Whereas, for many years, veterans' organizations and disabled veterans battled to change this law; and

Whereas, last year, Congress recognized that disabled military retirees had a legitimate complaint and introduced legislation that was designed to correct this policy; and

Whereas, included within the National Defense Authorization Act For Fiscal Year of 2002 is legislation that will end this discriminatory practice of deducting disability compensation from retirement pay. However, the legislation will be effective only if the President requests money to cover its costs in his next budget; and

Whereas, these disabled military retirees fought in World War II, Korea, Vietnam, the Persian Gulf, and a dozen brush fire wars in unremembered countries, risking everything for our country. They gave of their youth and health, only to be retired with a disability that they are forced to pay for out of their own pockets; and

Whereas, the discrimination our country has displayed for its disabled military retirees should not be passed on to those young people who are now fighting our War Against Terrorism; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to urge the Congress of the United States to fund the National Defense Authorization Act For Fiscal Year of 2002, to eliminate the penalty imposed against disabled military retirees for concurrent receipt of retirement and disability compensation; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to the Speaker of the House of Representatives, the President of the Senate, and each Member in the Congress of the United States.

POM-389. A joint resolution adopted by the Legislature of the State of California relative to military reserve personnel; to the Committee on Armed Services.

## ASSEMBLY JOINT RESOLUTION NO. 26

Whereas, the military reserve forces of the United States provide a valuable service to the citizens of the United States; and

Whereas, military reserve personnel make up 60 percent of the total armed forces of the United States; and

Whereas, the reserve forces of the United States military provide for the continuing freedom and pursuit of democracy throughout the world; and

Whereas, the military reserve upholds our values and beliefs in times of peace as well as war; and

Whereas, evidence suggests that members of the military reserve may be discriminated against due to their reserve status when applying for financing; and

Whereas, this discrimination results in members of the military reserve being charged higher interest rates for loans due to their reserve status; and

Whereas, this discrimination is an attempt to circumvent the Soldiers and Sailors Relief Act of 1940; and

Whereas, the Soldiers and Sailors Relief Act of 1940 specifies that should a member of the military reserve be called to active duty, that person's outstanding loans shall be capped at a 6 percent interest rate should the soldier prove that his or her active duty status would put him or her in financial hardship; and

Whereas, the practice of subprime lending based on reserve status is not prohibited by federal law; and

Whereas, California has taken the lead in protecting the military reserve and the National Guard in California through Assembly Bill 120 of the 2001–02 Regular Session; and

Whereas, we must protect the interest of our military reserve personnel in order to preserve military readiness and morale; and

Whereas, the federal government must stand firm in upholding the rights and duties of the military reserve and continue to demonstrate leadership in the implementation of a strong military force; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the President and Congress of the United States to do all of the following:

(a) Stand firm in protecting the financial interest of military reserve personnel.

(b) Enact new legislation that strengthens the provisions of the Soldiers and Sailors Relief Act of 1940.

(c) Look into the practice of predatory lending against military reservists based on their reserve status.

(d) Enact legislation that makes it a crime to discriminate against military reserve personnel based on reserve status when applying for financing; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States and to all members of Congress of the United States.

POM-390. A joint resolution adopted by the Legislature of the State of California relative to Armenian Genocide; to the Committee on Foreign Relations.

#### ASSEMBLY JOINT RESOLUTION NO. 44

Whereas, one and one-half million men, women, and children of Armenian descent were victims of the brutal genocide perpetrated by the Ottoman Empire from 1915 to 1923; and

Whereas, the Armenian Genocide and massacre of the Armenian people have been recognized as an attempt to eliminate all traces of a thriving and noble civilization over 3,000 years old; and

Whereas, to this day revisionists still inexplicably deny the existence of these horrific events; and

Whereas, by consistently remembering and openly condemning the atrocities committed against the Armenians, California residents demonstrate their sensitivity to the need for constant vigilance to prevent similar atrocities in the future; and

Whereas, recognition of the 87th anniversary of this genocide is crucial to preventing the repetition of future genocides and educating people about the atrocities connected to these tragic events; and

Whereas, Armenia is now a free and independent republic, having embraced democracy following the dissolution of the Soviet Union; and

Whereas, California is home to the largest population of Armenians in the United States, and those citizens have enriched our state through their leadership in the fields of business, agriculture, academia, medicine,

government, and the arts and are proud and patriotic practitioners of American citizenship; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California hereby designates April 24, 2002, as "California Day of Remembrance for the Armenian Genocide of 1915–1923"; and be it further

*Resolved,* That the State of California respectfully memorializes the Congress of the United States to likewise act to commemorate the Armenian Genocide; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, Members of the United States Congress, the Governor, and Armenian churches and commemorative organizations in California.

POM-391. A joint resolution adopted by the Legislature of the State of California relative to commending Title IX of the Education Amendments of 1972; to the Committee on Health, Education, Labor, and Pensions.

#### ASSEMBLY JOINT RESOLUTION NO. 47

Whereas, June 23, 2002, marks the celebration of the 30th anniversary of Title IX of the Education Amendments enacted by the United States Congress and signed into law in 1972, and upon this occasion, it is deserving of special public commendations; and

Whereas, Title IX of the Education Amendments of 1972, which is one of the most significant pieces of federal legislation passed in the 20th century, prohibits discrimination on the basis of sex in education programs and activities at education institutions that receive federal funds, and it is an omnibus education law affecting all curricular and extracurricular offerings, from medicine, law, and science to drama, dance, and athletics; and

Whereas, girls and women throughout the ages have participated in a variety of sports and physical activities in school, community, and club programs; and

Whereas, prior to the passage of Title IX, there were few opportunities for girls and women to participate in high school or college athletics; and

Whereas, participation in sports is acknowledged as a positive force in developing and promoting physical, mental, moral, social, and emotional well-being, and it is well-established that participation in athletics builds self-esteem, communication skills, discipline, and perseverance, all qualities that make a positive and significant difference in the quality of life and in the level of accomplishment; and

Whereas, participation in girls youth and high school sports leagues has risen to a record level, and participation by female collegiate athletes now represents 41 percent of all varsity athletes; and

Whereas, girls who participate in sports have the opportunity to develop strong interpersonal relationships while learning teamwork, goal-setting, and other achievement-oriented behaviors; and

Whereas, participation in athletics strengthens family bonds between young women and their parents who may have participated in athletics themselves, and engaging in physical activities and sporting events as a family unit further enhances family bonds; and

Whereas, teenage female athletes are less likely to use marijuana, cocaine, or other illicit drugs, less likely to be suicidal, less likely to smoke, and more likely to have positive body images than female nonathletes, and woman student athletes graduate at a significantly higher rate than women students in general; and

Whereas, teenage female athletes are 50 percent less likely to become pregnant as female nonathletes, less likely to have sex as teenagers than female nonathletes, and more likely to postpone their first sexual experience than female nonathletes; and

Whereas, many female athletes have distinguished themselves as representatives of California and the nation in international competition and the Olympic Games, and during the 2000 Summer Olympics, women competed for the first time in the same number of team sports as men; and

Whereas, professional female athletes now compete in leagues such as the Women's United Soccer Association, the Women's National Basketball Association, the Women's Tennis Association, the Ladies Professional Golf Association, Women's Professional Football League, and the Women's Professional Football League, and the United States Professional Volleyball League will launch in 2002; and

Whereas, the increased visibility of female athletes provide people, young and old, female and male, with positive role models, and many women agree that seeing successful female athletes make them feel great pride as women; and

Whereas, Title IX continues to break down the gender barriers in educational institutions, giving women the opportunity to strive and achieve for excellence and realize the best within themselves; and

Whereas, women of all ages should be encouraged to compete and contribute to sports at all levels of competition and to ensure opportunity for the next generation of female athletes and sports leaders as we enter the new millennium; now therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the President and Congress of the United States to do all of the following:

(1) Stand firm in their resolve to uphold the intent and substance of the current provision of Title IX of the Education Amendments of 1972.

(2) Pursue a strong enforcement policy for Title IX of the Education Amendments of 1972 and strengthen the compliance and enforcement policies of the U.S. Department of Education's Office for Civil Rights (OCR).

(3) Support the continuation of the strong compliance standards that are currently in place for Title IX of the Education Amendments of 1972.

(4) Encourage all Americans to participate in the national celebration, "Celebrating 30 Years of Title IX"; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States and to all Members of Congress of the United States.

POM-392. A joint resolution adopted by the Legislature of the State of California relative to the reunification of Cyprus and its accession to the European Union; to the Committee on Foreign Relations.

#### ASSEMBLY JOINT RESOLUTION NO. 48

Whereas, for 27 years Turkey has illegally occupied 37 percent of the territory of the Republic of Cyprus and during that time has continually violated the will of the international community; including the United States and the United Nations, that Turkey cease its illegal occupation of Cyprus; and

Whereas, it is the position of the United States government that a political settlement to the Cyprus problem should be based on United Nations Security Council Resolutions; and

Whereas, these resolutions provide that a Cyprus settlement must be based on a State

of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bizonal federation; and

Whereas, the resumption of direct talks in January 2002, in the context of the Good Offices of the Secretary General, to find a just and viable solution to the Cyprus problem is an encouraging development that should be sustained and intensified in order to arrive, by the target date of June 2002, to an agreement; and

Whereas, the members of the Security Council, reiterated, on April 4, 2002, their full support for the negotiating process and for the Secretary General's mission entrusted to him by the Security Council in Security Council Resolution 1250, which was adopted on June 29, 1999, and urged the leaders to work for reaching a comprehensive settlement that takes full consideration of the relevant United Nations Resolutions and Treaties; and

Whereas, a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey, and will serve the interests of the United States in the region; and

Whereas, security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots; and

Whereas, the prospect of Cyprus' accession to the European Union has acted as a catalyst for the resumption of the talks aimed at reaching a resolution of the Cyprus problem; now, therefore, be it

*Resolved, by the Assembly and Senate of the State of California, jointly,* That the Legislature calls upon the President of the United States to increase the administration's efforts to encourage initiatives that will help promote and achieve reunification, reconciliation, stability, and prosperity in Cyprus within the context of the ongoing efforts under the United Nations Secretary General's auspices and on the basis of the relevant United Nations Security Council Resolutions; and be it further

*Resolved,* That the Assembly and Senate of the State of California, jointly, request the United States government to continue to strongly support the accession of Cyprus to the European Union, without a settlement of the Cyprus problem being a precondition for accession; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative in the Congress of the United States.

POM-393. A joint resolution adopted by the Legislature of the State of California relative to the extradition of criminals; to the Committee on Foreign Relations.

#### ASSEMBLY JOINT RESOLUTION NO. 63

Whereas, the Mexican Supreme Court ruled in October 2001 that Mexico will not extradite criminals who face life sentences in the United States; and

Whereas, the United States Constitution prohibits states from entering into treaties with foreign governments to protect their citizens and arrange extradition for criminals; and

Whereas, the person or persons responsible for the April 29, 2002, murder of Los Angeles County Sheriff Deputy David March is believed to have fled to Mexico to avoid prosecution; and

Whereas, California and other states must rely upon the federal government to resolve this issue of national importance; and

Whereas, the Attorney General from each of the 50 states has asked United States Attorney General John Ashcroft and United States Secretary of State Colin Powell to address this extradition issue with their counterparts in Mexico; now, therefore, be it

*Resolved, by the Assembly and Senate of the State of California, jointly,* That the extradition from Mexico of all criminals who face life sentences is a matter of urgent and enduring importance to the State of California; and be it further

*Resolved,* That California's Senators and Members of the House of Representatives should take all prudent and necessary steps to ensure that this matter is addressed at the highest levels of our federal government; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, the United States Attorney General, the United States Secretary of State, and to each member of the Congress of the United States.

POM-394. A resolution adopted by the House of Representatives of the General Assembly of the State of Pennsylvania relative to the Snowe Amendment to the PRIDE Act; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 560

Whereas, the House of Representatives of the United States Congress has passed H.R. 4, which would set requirements for state welfare programs and establish funding levels for the Temporary Assistance to Needy Families (TANF) and child-care block grants for the five-year reauthorization period; and

Whereas, the Child Care Development Block Grant (CCDBG) currently provides \$4.8 billion annually to states for child-care services, \$2.7 billion in mandatory funding annually for the period of reauthorization and \$2.1 billion in discretionary funding, subject to annual renewal by the Congress; and

Whereas, although H.R. 4 would increase mandatory child-care funding by \$1 billion over five years, this is an amount widely regarded as insufficient to meet the increased demand for child-care for families leaving welfare or the demand for child-care subsidy for income-eligible families; and

Whereas, Senator Olympia Snowe of Maine is prepared to offer an amendment to H.R. 4 that would increase mandatory spending to \$7 billion for the five-year reauthorization period; and

Whereas, since Federal funds make up 74% of Pennsylvania's child-care spending, an increase in mandatory funds through the CCDBG would provide the Commonwealth a stable source of funds to expand subsidy for families, build program quality and school readiness and improve services to parents; therefore be it

*Resolved,* That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Senate of the United States Congress to adopt the Snowe Amendment to H.R. 4, the Personal Responsibility and Individual Development for Everyone (PRIDE) Act; and be it further

*Resolved,* That copies of this resolution be transmitted to the presiding officers of the Senate of the United States Congress and to the two Senators from Pennsylvania.

POM-395. A resolution adopted by the Commission of Wayne County of the State of

Michigan relative to federal transit funding formulas; to the Committee on Environment and Public Works.

POM-396. A resolution adopted by the Board of Supervisors of the County of Sonoma of the State of California relative to gaming facilities in the County; to the Committee on Indian Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance:

S. 1637. A bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCain, from the Committee on Commerce, Science, and Transportation.

\*Kirk Van Tine, of Virginia, to be Deputy Secretary of Transportation.

\*Theodore William Kassinger, of Maryland, to be Deputy Secretary of Commerce.

\*Thomas Hill Moore, of Florida, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2003.

\*A. Paul Anderson, of Florida, to be a Federal Maritime Commissioner for the term expiring June 30, 2007.

\*Joseph E. Brennan, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 2008.

\*Deborah Hersman, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2008.

\*Louis S. Thompson, of Maryland, to be a Member of the Reform Board (Amtrak) for a term of five years.

\*Jack Edwin McGregor, of Connecticut, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

\*Coast Guard nomination of Vice Adm. Terry M. Cross.

\*Coast Guard nomination of Rear Adm. Vivien S. Crea.

\*Coast Guard nomination of Rear Adm. Harvey E. Johnson.

\*Coast Guard nomination of Radm (L) James C. Van Sice.

Mr. McCain. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Glenn M. Sulmasy.

Coast Guard nominations beginning George W. Molessa and ending Yamasheka Z. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.