

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-8673. A communication from the Administrator, Agricultural Marketing Service, Food and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Increased Assessment Rate" (FV04-958-2 FR) received on July 21, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8674. A communication from the Director, Faith-Based and Community Initiatives, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Equal Opportunity for Religions Organizations" (RIN0503-AA27) received on July 21, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8675. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bitertanol, Chlorpropham, Cloprop, Combustion Product Gas, Cyanazine, et al.; Tolerance Actions" (FRL#7358-6) received on July 21, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8676. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to the Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-8677. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Consolidation of Assets-Backed Commercial Paper Programs and Other Related Issues (Regulations H and Y)" (Doc. No. R-1162) received on July 21, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-8678. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Hazelwood SO₂ Nonattainment and the Monongahela River Valley Unclassifiable Areas to Attainment and Approval of the Maintenance Plan" (FRL#7781-3) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8679. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Technical Amendment" (FRL#7790-5) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8680. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Maintenance Plan Revisions; Ohio" (FRL#7789-2) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8681. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Maryland: Final Authorization of State Hazardous Waste Management Program Revisions"

(FRL#7791-3) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8682. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Asbestos" (FRL#7789-5) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8683. 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, Monterey Bay Unified and Santa Barbara County Air Pollution Control Districts" (FRL#7783-9) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8684. 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, South Coast Air Quality Management District" (FRL#7781-9) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8685. 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, South Coast Air Quality Management District" (FRL#7784-3) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8686. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Transportation Conformity Rule Amendments for the New 8-Hour Ozone and PN_{2.5} National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes Correction to the Preamble" (FRL#7789-6) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8687. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, a report entitled "The Year in Trade 2003"; to the Committee on Finance.

EC-8688. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: United States Munitions List and Part 123" (RIN1400-ZA) received on June 24, 2004; to the Committee on Foreign Relations.

EC-8689. A communication from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "National Instant Criminal Background Check System Regulation" (RIN1110-AA07) received on July 22, 2004; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

POM-492. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the State Waste Empowerment and Enforcement Provision Act

of 2003; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 247

WHEREAS, recent reports issued by the Department of Environmental Quality reveal that Virginia is currently the second largest importer of municipal solid waste from other states, second only to Pennsylvania, and is currently importing approximately 5.5 million tons annually of municipal solid waste from other states; and

WHEREAS, the amount of municipal solid waste being imported into Virginia is expected to increase in the coming years due to the closure of the Fresh Kills Landfill in New York and increased volumes from other states; and

WHEREAS, the importation of significant amounts of municipal solid waste from other states is prematurely exhausting Virginia's limited landfill capacity; and

WHEREAS, the negative impact of truck, rail, and barge traffic and litter, odors, and noise associated with waste imports occurs at the location of final disposal and along waste transportation routes, and current landfill technology has the potential to fail, leading to long-term cleanup and other associated costs; and

WHEREAS, under current federal law, Virginia cannot regulate the amount of solid waste brought into the Commonwealth each year; and

WHEREAS, the importation of significant amounts of municipal solid waste from other states is inconsistent with Virginia's efforts to promote the Commonwealth as a national and international destination for tourism and high-tech economic development; and

WHEREAS, the Commerce Clause of the United States Constitution and its interpretation and application by the United States Supreme Court and other federal courts regarding interstate solid waste transportation has left Virginia and other states with limited alternatives to regulate, limit, or prohibit the importation of municipal solid waste; and

WHEREAS, the General Assembly of Virginia believes that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; and

WHEREAS, although state laws governing the importation of municipal solid waste have been ruled to violate the Commerce Clause of the United States Constitution, the enactment of the State Waste Empowerment and Enforcement Provision Act of 2003 would protect states from constitutional challenges to common sense regulation of trash haulers, and empower states to require inspectors at landfills, incinerators, and transfer stations that accept out-of-state municipal solid waste; and

WHEREAS, it is the consensus of the General Assembly of Virginia that state and local governments should be given more authority to limit, reduce, and control the importation of solid waste into their jurisdictions through several provisions, including percentage caps, calendar year freezes, the regulation and restriction of certain modes of transportation, the requirement of state inspectors at facilities handling out-of-state waste, and the assessment of fees for the receipt or disposal of out-of-state municipal solid waste that are different than fees assessed for the receipt or disposal of municipal solid waste generated within the Commonwealth: Now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (HR 1123). The Congress is

urged to authorize local and state governments to regulate the importation of municipal solid waste into their respective jurisdictions; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-493. A joint resolution adopted by the Legislature of the State of California relative to gasoline; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 28

Whereas, the federal Clean Air Act Amendments of 1990 (P.L. 101-549) mandate the use of reformulated gasoline containing 2 percent, by weight, oxygen in areas designated as nonattainment areas due to high ambient ozone levels in summer months and high ambient carbon monoxide levels in winter months; and

Whereas, the federal oxygenate mandate requires the use of oxygenate in gasoline in approximately 70 percent of the California retail gasoline market; and

Whereas, California has historically led the nation in enacting air quality improvement measures that provide substantial health, economic, and social benefits for the state's citizens; and

Whereas, the State Air Resources Board's Cleaner Burning Gasoline Program has resulted in reducing emissions equivalent to removing 3.5 million cars from California's roads; and

Whereas, the California Cleaner Burning Gasoline Program provides greater flexibility than the federal program to produce gasoline that meets stringent emission reduction mandates; and

Whereas, methyl tertiary-butyl ether (MTBE) has been used in California as the primary oxygenate additive to gasoline because its relatively low vapor pressure (RVP) simplifies the production of low-RVP summer gasolines, and because of its compatibility with the blending and distribution system for gasoline, its ability to be transported by pipeline, and its high octane rating; and

Whereas, the Environmental Protection Agency's Blue Ribbon Panel on Oxygenates in Gasoline recommended that the 2-percent oxygenate requirement be removed and that MTBE be reduced substantially; and

Whereas, pursuant to Chapter 816 of the Statutes of 1997, the University of California prepared a report that assessed the health and environmental effects of MTBE and submitted that report to the Legislature and the Governor in November 1998; and

Whereas, the University of California report found that there are significant risks and costs associated with water contamination due to the use of MTBE because it is highly soluble in water and will transfer readily to groundwater from leaking underground storage tank systems and other components of the gasoline distribution system; and

Whereas, the County of Santa Clara, the City of Santa Monica, the Lake Tahoe region, and the Sacramento area, as well as other municipalities in other areas of the state, have all been forced to shut down public drinking water wells due to MTBE contamination; and

Whereas, the University of California report found that over 60 percent of the reservoirs tested in California have detectable levels of MTBE; and

Whereas, the University of California report found that there is no significant additional air quality benefit to the use of oxygenates such as MTBE in reformulated gasoline, relative to the alternative nonoxygenated formulations identified by the California Cleaner Burning Gasoline Program; and

Whereas, United States Senators Diane Feinstein and James Inhofe previously introduced legislation, S. 947, to grant the governor of a state the power to waive the 2-percent oxygenate content requirement for reformulated gasoline other than those regarding oxygen content; and

Whereas, California has previously sought a waiver from the United States Environmental Protection Agency of the oxygen content requirement; and

Whereas, the United States Environmental Protection Agency denied California's request for a waiver on the grounds that there was not sufficient evidence that the waiver would help California to reduce harmful levels of air pollutants; and

Whereas, California has sought and received waivers from other provisions of the federal Clean Air Act, including Section 209(b)(1) of that act, and has demonstrated no loss of air quality benefits after those waivers have been issued: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the United States Environmental Protection Agency to reconsider granting an administrative waiver of the federal Clean Air Act's oxygenated gasoline requirement to the State of California, to the extent permitted by the federal Clean Air Act, given the state's independent requirements for clean gasoline that meet both state and national ambient air quality standards; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation, if an administrative waiver of the federal Clean Air Act is not granted by the United States Environmental Protection Agency, similar to, or including, the Feinstein-Inhofe legislation, that would authorize California to waive the oxygen content requirement for reformulated gasoline only if the fuel meets other requirements in the federal Clean Air Act for reformulated gasoline; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States to sign that legislation if it is enacted by the Congress of the United States; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of the United States Environmental Protection Agency, the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM-494. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to rip currents in the Great Lakes; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 271

Whereas, the Great Lakes are known for their beauty, power, and importance to life in this region. Less well known and understood are the dangers of rip currents, which threaten public safety and can cause deaths of swimmers at beaches along the Great

Lakes. While rip currents seem to be better known at the ocean, they are no less serious to bathers along Michigan's shores; and

Whereas, rip currents, which are sometimes mistakenly, referred to as rip tides or undertows, are caused by sandbars offshore that break apart. The current that results can be very strong, taking even an Olympic-caliber swimmer swiftly away from the shore. The "rip" in the sandbar can be the result of high winds or large waves, and it can occur with absolutely no warning. Rip currents can last a few minutes, several hours, or even days. While there often is discoloration to the water that is swept away from the shore by the rip current, this is not always easy to see. Although there is an effective strategy a swimmer can use to return to shore safely, this knowledge must be in place before such an incident occurs to prevent a tragedy; and

Whereas, there is clearly a need for greater public awareness among beach visitors to the Great Lakes and more comprehensive research into rip currents. Research could help determine better responses and quicker notification for swimmers as a rip current situation develops. With the number of people swimming in the Great Lakes each summer, this research could save many lives: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide increased funding to support research and education on rip currents in the Great Lakes; 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-495. A concurrent resolution adopted by the Senate of the Legislature of the State of Hawaii relative to prescription drugs to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 56

Whereas, the Medicare Drug Benefit law recently enacted by Congress and signed into law by the President prohibits the government from negotiating prescription drug prices with the manufacturers; and

Whereas, the pharmaceutical companies have been negotiating with other governments such as Canada and Mexico, offering citizens of those countries substantial discounts on prescription drugs, while still generating profits from the discounted prices; and

Whereas, news articles have documented that many Americans travel to Canada to purchase their prescription drugs; and

Whereas, there is a growing momentum to allow individuals, as well as state and local governments, to lower health care costs by purchasing prescription drugs from Canada; and

Whereas, allowing the American government to negotiate prescription drug prices would reduce their costs, as since our purchasing power covers approximately 270 million Americans, which is the largest economy in the world, our government can negotiate lower prices than Canada and other countries and pass on the savings to our citizens; and

Whereas, all Americans will be the beneficiaries of discounted prescription drugs, especially those who need prescription drugs for serious health conditions, all group prescription drug programs provided by employers and union agreements, and the state and federal programs that provide prescription drugs to veterans, Medicaid recipients, and others who qualify for government supported programs; and

Whereas, substantial savings can be used for other healthcare needs or expenses and reducing co-payments; and

Whereas, every other developed country has the power to negotiate the costs of prescription drugs; Now, therefore, be it

Resolved by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives concurring, That the President and Congress are urged to repeal the restriction on government to negotiate reductions in prescription drug prices with manufacturers; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, and the members of Hawaii's Congressional delegation.

POM-496. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Central American Free Trade Agreement; to the Committee on Finance.

SENATE RESOLUTION NO. 115

Whereas, U.S. Trade Representative Robert Zoellick signed a Free Trade Agreement on May 28, 2004, with the Central American countries of El Salvador, Nicaragua, Guatemala, Honduras and Costa Rica; and

Whereas, the Central American Free Trade Agreement (CAFTA) must now be approved by the national assemblies in each of the participating countries, with the approved legislation expected to come before the U.S. Congress in late June or early July for a vote; and

Whereas, approval of such an agreement will be an economic disaster for farmers and workers in Louisiana in particular and throughout the rest of the nation in general; and

Whereas, the Louisiana sugar industry will suffer immediate and irreversible damage as jobs are lost and Louisiana sugar farmers go out of business; and

Whereas, it is now estimated that twenty-seven thousand jobs will be lost across Southern Louisiana, throwing the state's economy into chaos, if the CAFTA legislation is approved by the U.S. Congress; and

Whereas, Louisiana's economy will lose approximately nine hundred eighty-seven million dollars annually and over four billion, five hundred thousand dollars over the next five years if CAFTA becomes law; and

Whereas, CAFTA is modeled after NAFTA, the North American Free Trade Agreement, which has caused many U.S. textile manufacturers such as Fruit of the Loom to desert American workers and relocate in foreign countries where labor and life is extremely cheap; and

Whereas, Louisiana communities are reeling from the effects of NAFTA with Crowley losing more than one hundred jobs at Garment Manufacturing, and St. Martinville, Abbeville, Port Barre, and Vidalia, losing nearly eight thousand Fruit of the Loom jobs; and

Whereas, negotiations between Southwest Louisiana rice farmers and Cuba to buy Louisiana rice will be impeded or made impossible if the U.S. Congress passes the CAFTA legislation; Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize the U.S. Congress to reject the legislation before it to create the Central American Free Trade Agreement which would have devastating consequences on the economy and the workers of Louisiana; be it further

Resolved, That a copy of this Resolution be transmitted to the president of the United

States, the secretary of the United States Senate, the clerk of the United States House of Representatives, each member of the Louisiana delegation to the United States Congress, and the presiding officer of each house of each state legislature in the United States.

POM-497. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Virginia relative to oral anti-cancer drugs; to the Committee on Finance.

SENATE RESOLUTION NO. 21

Whereas, cancer is a leading cause of morbidity and mortality in the Commonwealth and throughout the nation; and

Whereas, cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons age 65 or older, persons who are often dependent on the federal Medicare program for provision of cancer care; and

Whereas, treatment with anti-cancer drugs is the cornerstone of modern cancer care, and elderly cancer patients must have access to potentially life-extending drug therapy; and

Whereas, the Medicare program's coverage of anti-cancer drugs is limited to injectable drugs or oral drugs that have an injectable version; and

Whereas, the nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anti-cancer drugs that are less toxic, more effective, and more cost-effective than existing therapies, but, because these drugs do not have an injectable equivalent, they are not covered by Medicare; and

Whereas, the lack of coverage for these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal cost or selection of more toxic and less effective treatments that are covered by Medicare; and

Whereas, Medicare's failure to cover oral anti-cancer drugs leaves at risk many beneficiaries suffering from blood-related cancers such as leukemia, lymphoma, and myeloma, as well as cancers of the breast, lung, and prostate; and

Whereas, certain members of the Congress of the United States have recognized the necessity of Medicare coverage for all oral anti-cancer drugs and have introduced legislation in the 107th Congress to achieve that result (H.R. 1624 and S. 913); Now, therefore, be it

Resolved by the Senate, That the Congress of the United States be hereby urged to adopt, legislation that requires the Medicare program to cover all oral anti-cancer drugs; and, be it

Resolved Further, That the, Clerk of the Senate transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Health and Human Services, the Administrator of the Centers for Medicare and Medicaid Services, and the members of the Congressional delegation of Virginia so that they may be apprised of the sense of the Senate of Virginia.

POM-498. A resolution adopted by the Senate of the Legislature of the State of Illinois relative to Lithuania; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 447

Whereas, the Members of the Senate of the State of Illinois recognize and honor the 751st year of Lithuania's statehood, and the 86th year of Lithuania's independence as a democracy which was established on February 16, 1918, in Lithuania's historic capital, Vilnius; and

Whereas, Lithuania has made significant progress in developing a stable democracy

and free market economy during the 14 years since it overthrew, through a peaceful democratic movement, an illegal foreign occupation by the former Soviet Union; and

Whereas, the United States never recognized the forced incorporation and illegal annexation of Lithuania by the former Soviet Union in June, 1940, and continued to maintain diplomatic relations with the legal representatives of independent Lithuania; and

Whereas, Lithuania has received invitations and is expected to join the North Atlantic Treaty Organization (NATO), a defensive alliance of Western democracies, in May of 2004, as well as the European Union, a common market of Western democracies; and

Whereas, Lithuanian military units are serving together with American troops in Afghanistan and Iraq as allies in the war on global terrorism; and in Bosnia and Kosovo in peacekeeping missions; and

Whereas, the government and parliament of the Russian Federation have consistently opposed Lithuania's re-integration with Western democracies and encumbered Lithuanian-Russian relations by refusing to ratify border treaties, demanding visa-free travel through Lithuania's territory for both civilian and military traffic, undermining Lithuania's full participation in NATO by opposing the basing of NATO troops and equipment on Lithuania's territory, for a very considerable time denying Lithuania's Mazeikiu Nafta oil refinery a reliable supply of crude oil, and imposing double tariffs on Lithuanian imports; and

Whereas, The partially-privatized Russian oil company, LUKoil, and the Russian government refuse to open their oil drilling site in the Baltic Sea 22 km off the coast of Lithuania, known as "D-6", to international inspection, and refuse to cooperate with the Lithuanian government in developing an effective plan to minimize the effects of the United States military personnel as part of a broader NATO commitment; we urge Russia to adopt a more cooperative policy towards Lithuania and its ally, the United States; Therefore, be it

Resolved, by the Senate of the Ninety-Third General Assembly of the State of Illinois, That we urge the government of the Russian Federation and the Russian oil company LUKoil to open up its drilling site in the Baltic Sea, known as D-6, off the coast of Lithuania for inspection by international organizations and Lithuanian authorities, and to develop a comprehensive plan with Lithuania and other concerned states to deal with any environmental pollution caused by the oil drilling and production at the site; and be it further

Resolved, That we urge government officials, the judiciary, and the media in Lithuania to address the current political crisis surrounding the office of the President in Lithuania in a forthright and transparent manner that will serve to strengthen democratic institutions and the rule of law in Lithuania; and be it further

Resolved, That suitable copies of this resolution be presented to President George W. Bush, each member of the Illinois congressional delegation, the embassies of Lithuania and the Russian Federation, and to the national office of the Lithuanian-American Community, Inc.

POM-499. A concurrent resolution adopted by the General Assembly of the State of Ohio relative to Taiwan's participation in the World Health Organization; to the Committee on Foreign Relations.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 24

Whereas, Taiwan and the United States enjoy one of the most important economic

and strategic international relationships where together, Taiwan and the United States promote a shared faith in and respect for freedom, democracy, and market principles; and

Whereas, for the past half-century, Taiwan and the United States have worked hand-in-hand to preserve peace and stability within the Pacific Rim and to help improve the lives of their citizens and people around the world; and

Whereas, trade between Taiwan and the United States has increased steadily in the past 40 years, with the United States being Taiwan's second-largest source of imports and Taiwan being the eighth-largest exporter to the United States; and

Whereas, Taiwan is the tenth-largest United States export market, buying more United States merchandise than Brazil, Belgium, Australia, or Italy and ranks as one of the top three destinations for United States peaches, plums, celery, apples, cherries, broccoli, corn, feed grains, and bovine hides; and

Whereas, the economic and trade partnership between Taiwan and the United States is reflected not only in a large volume of two-way trade, but also in the high level of United States investment in Taiwan and increasingly in Taiwan's investment in the United States; and

Whereas, the United States Centers for Disease Control and Prevention and its Taiwan counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, in recent years, the Republic of China has expressed a willingness to assist, financially and technically, international aid and health activities supported by the World Health Organization; and

Whereas, Taiwan's participation in the World Health Organization could bring many benefits to the state of health in Taiwan and also regionally and globally; and

Whereas, the World Health Organization Constitution states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, and economic or social condition; and

Whereas, Falun Gong is an ancient Chinese mind and body practice followed by as many as 100 million people in the People's Republic of China and is a peaceful, spiritual discipline that people use to improve their health and to bring about positive changes in their lives; and

Whereas, in July, 1999, then-President of the People's Republic of China Jiang Zemin, who was fearful of anything other than the Communist Party of China touching the hearts and minds of the Chinese people, banned the practice of Falun Gong. Since then, the Chinese government has conducted a propaganda campaign against Falun Gong and has persecuted, imprisoned, and tortured its practitioners; and

Whereas, Dr. Charles Lee, a Falun Gong practitioner and United States citizen, was arrested on his arrival in the People's Republic of China on January 22, 2003, while attempting to visit his family and has been imprisoned ever since; and

Whereas, Christians and members of other religious groups have also been persecuted in the People's Republic of China: Now therefore be it

Resolved, That the General Assembly of the State of Ohio supports Taiwan's participation in the World Health Organization; and be it further

Resolved, That we, the members of the 125th General Assembly of the State of Ohio, strongly deplore the persecution of Falun Gong practitioners, Christians, and members

of other religious groups in the People's Republic of China and the imprisonment of Dr. Charles Lee, implore the government of the People's Republic of China to immediately release Dr. Lee and restore to Falun Gong practitioners, Christians, and members of other religious groups full freedom of religious and spiritual expression, and memorialize the President of the United States and the Secretary of the United States Department of State to take all necessary diplomatic actions to secure the release of Dr. Lee and encourage the restoration of religious freedom for Falun Gong practitioners, Christians, and members of other religious groups in the People's Republic of China; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the members of the Ohio Congressional delegation, to the Speaker and the Clerk of the United States House of Representatives for distribution to the members of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate for distribution to the members of the United States Senate, to the United States Secretary of State, to the Ambassador of the United States to the People's Republic of China, to the Ambassador of the People's Republic of China to the United States, to the Taipei Economic and Cultural Office in Chicago, Illinois, to the World Health Organization, and to the news media of Ohio.

POM-500. A joint resolution adopted by the Sixth Olbil Era Kelulau (Palau National Congress) of the Republic of Palau relative to Ambassador Fred Monroe Zeder II; to the Committee on Foreign Relations.

POM-501. A concurrent resolution adopted by the House of Representatives of the General Assembly of the State of Delaware relative to trade relations with Taiwan; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 46

Whereas, the United States and the Republic of China on Taiwan, commonly known as Taiwan, maintain an important trade relationship; and

Whereas, despite the fact that Taiwan only recently became a member of the World Trade Organization and that it has no formal trade agreement with the United States, Taiwan is the fourteenth largest trading nation in the world, the United States' eighth largest trading partner, and as a center for international trade it is vital to the economic prosperity of this State and of the United States; and

Whereas, American businesses and workers have benefited greatly from this dynamic trade relationship, most recently in the computer and electronics sector; and

Whereas, as a center for international trade Taiwan is a gateway to other Pacific Rim markets for United States exports, helping to preserve peace and stability within the entire region; and

Whereas, United States agricultural producers have been particularly under represented in the list of United States exports to the region, despite the importance of the market for growers of corn, wheat, and soybeans; and

Whereas, Taiwan has clearly emerged as one of the United States' most important allies in Asia and throughout the world; and

Whereas, the State of Delaware and Taiwan have established a sister-state relationship symbolizing the close friendship between the people of Delaware and the people of Taiwan; and

Whereas, this State seeks to encourage and expand mutually beneficial commercial relationships with Taiwan; and

Whereas, Taiwan's 23,000,000 people are not represented in the United Nations; and

Whereas, Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations and has much to contribute to the work and funding of the United Nations; and

Whereas, Taiwan's participation in the United Nations will help maintain peace and stability in Asia and the Pacific; and

Whereas, the United States should promote the values of freedom, democracy, and a commitment to open markets and the free exchange of both goods and ideas at home and abroad; and

Whereas, Taiwan shares these values with the United States and has struggled throughout the past 50 years to create what is today an open, thriving, and modern democracy that routinely holds free and fair elections and has dramatically improved its record on human rights; and

Whereas, Taiwan has forged an open, market-based economy and a thriving democracy based on free elections and the freedom of dissent; and

Whereas, it is in the interest of the United States to encourage the development of both these institutions; and

Whereas, the United States must continue to support the growth of democracy and ongoing market opening in Taiwan if this relationship is to evolve and reflect the changing nature of the global system in the 21st Century; and

Whereas, the United States needs to support partner countries that are lowering trade barriers; and

Whereas, a free trade agreement would not only help Taiwan's economy dramatically expand its already growing entrepreneurial class, but it would also serve an important political function; and

Whereas, in the interest of supporting, preserving, and protecting the democratic fabric of the government of Taiwan, it has been made clear that the United States supports the withdrawal of missiles deployed as a threat against Taiwan by the People's Republic of China; and

Whereas, the United States has an obligation to its allies and to its own citizens to encourage economic growth, market opening, and the destruction of trade barriers as a means of raising living standards across the board; and

Whereas, a free trade agreement with Taiwan would be a positive step toward accomplishing all of these goals;

Whereas, direct and unobstructed participation in international health cooperation forums and programs is crucial for all parts of the world, especially with today's greater potential for cross-border spread of various infectious diseases; and

Whereas, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of the infectious diseases of cholera, smallpox, and the plague, and being the first Asian nation to eradicate polio and the first country in the world to provide children with free hepatitis B vaccinations; and

Whereas, the United States Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, in recent years Taiwan has expressed a willingness to financially and technically assist the international aid and health activities supported by the World Health Organization; and

Whereas, Taiwan's population of 23 million people is larger than that of 75% of the World Health Organization member states; and

Whereas, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

Whereas, Taiwan's participation in the activities of the World Health Organization could bring many benefits to the state of health not only in Taiwan but also regionally and globally; Now therefore be it

Resolved by the House of Representatives of the 142nd General Assembly of the State of Delaware, the Senate thereof concurring therein, That the Congress and the President of the United States are respectfully requested and urged to strengthen trade relations with the Republic of China on Taiwan (Taiwan) and to support the participation of Taiwan in the United Nations; and be it further

Resolved, That the General Assembly strongly urges the pursuit of a policy that includes an initiative directed at the World Trade Organization to give Taiwan appropriate and meaningful participation in the activities of the World Trade Organization in a manner that is consistent with the organization's requirements; and be it further

Resolved, That the Congress and the President of the United States are respectfully requested and urged to support a free trade agreement between the United States and Taiwan; and be it further

Resolved, That suitably prepared and authenticated copies of this Resolution be sent to: The President of the United States, The United States Secretary of State, The Secretary of Health, Education, and Welfare, The Speaker of the United States House of Representatives, The President of the United States Senate, The Government of Taiwan, The Representative of the Taipei Economic and Cultural Office in Washington, D. C., The World Trade Organization, The United States Trade Representative, The Secretary-General of the United Nations, and The members of Delaware's Congressional delegation.

POM-502. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to Amyotrophic Lateral Sclerosis Awareness Month in Pennsylvania; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION No. 718

Whereas, Amyotrophic Lateral Sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, the initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, as ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so a patient remains alert and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55, and affects men two to three times more often than women; and

Whereas, more than 5,000 new ALS patients are diagnosed annually; and

Whereas, on average, patients diagnosed with ALS survive two to five years from the time of diagnosis; and

Whereas, ALS has no known cause, prevention or cure; and

Whereas, "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" will increase public awareness of ALS patients' circumstances, acknowledge the terrible impact this disease has on patients and families and recognize the research for treatment and cure, of ALS; Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania recognize the month of May 2004 as "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" in Pennsylvania; and be it further

Resolved, That the House of Representatives urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM-503. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the approval process necessary for foreign teachers to teach in the state's French immersion program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION No. 23

Whereas, the French immersion program is the state's best hope for preserving the historic linguistic and cultural origins represented by the French language in Louisiana; and

Whereas, the French immersion program can improve critical and creative thinking skills, encourage independent and self-disciplined learning, enhance skills in listening and concentration, boost self-esteem, create a lifelong ability to communicate with French speakers around the globe, and increase opportunity for future employment, and beyond the acquisition of a second language, French immersion achieves the goals of cultural appreciation, respect, and mutual understanding; and

Whereas, the recruitment of teachers in the French immersion program is becoming increasingly challenging, and the number of existing teachers is dwindling at an alarming rate as well; and

Whereas, the looming teacher shortage is a constant concern for the French immersion program, and the recruitment and retention of an adequate number of qualified French teachers is the key to the continuation of the French immersion program in Louisiana; and

Whereas, the number of foreign teachers available to teach in the French immersion program in Louisiana is being diminished by immigration regulations and complications; and

Whereas, it is urgent that congress devote immediate attention to expediting the approval process required for foreign teachers to gain whatever eligibility is necessary so that the French immersion program will be suitably staffed to meet the needs of the student population and ultimately because the program must have such teachers if it is to survive; and

Whereas, French immersion reflects Louisiana's heritage and benefits every student who takes part in the program, and no child who desires participation should be denied the satisfaction and pride derived from becoming bilingual in the French language due to the emerging shortage of foreign French teachers; Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take appropriate action to expedite the approval process necessary for foreign teachers to teach in the state's French immersion program; be it further

Resolved, That a suitable copy of this Resolution be transmitted to the speaker of the United States House of Representatives, the president of the United States Senate, and to each member of Louisiana's congressional delegation.

POM-504. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION No. 20

Whereas, the No Child Left Behind Act of 2001 (NCLB) requires all schools in the nation to meet high academic standards; and

Whereas, the state of Louisiana has worked diligently to meet the requirements of NCLB, creating a school accountability program that has been ranked the best in the nation; and

Whereas, the state's school accountability program is being implemented by city, parish, and other local school systems at considerable cost; and

Whereas, the burden of meeting new standards is falling on teachers and school employees; and

Whereas, city, parish, and other local school systems and their faculty and staff need and deserve adequate resources to accomplish the goals of NCLB; and

Whereas, the proposed federal budget for Fiscal Year 2005 shortchanges the promised funding for NCLB's Title I program by approximately six billion seven hundred million four hundred thousand dollars less than initially promised by NCLB; and

Whereas, it is unreasonable to expect the state of Louisiana and city, parish, and other local school systems to meet federally imposed standards without federal appropriation of adequate funds to meet such standards; Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to support an amendment to the proposed federal budget for Fiscal Year 2005 to fully fund the No Child Left Behind Act of 2001; be it further

Resolved, That suitable copies of this Resolution be transmitted to the speaker of the United States House of Representatives, the president of the United States Senate, and each member of Louisiana's congressional delegation.

POM-505. A resolution adopted by the City of Parma Heights of the State of Ohio relative to the Breast Cancer Patient Protection Act of 2003; to the Committee on Health, Education, Labor, and Pensions.

POM-506. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to funding for the Division of Diabetes Translation (DDT); to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION No. 764

Whereas, there are 18.2 million people or 6.30 of the population living with diabetes; and

Whereas, each year 13 million people are diagnosed with diabetes, while 5.2 million cases go undiagnosed; and

Whereas, each year there are 1.3 million newly diagnosed cases of diabetes among people 20 years of age and older; and

Whereas, diabetes is the sixth leading cause of death in the United States, contributing to 213,062 deaths; and

Whereas, approximately one in every 400 to 500 children and adolescents has type 1 diabetes; and

Whereas, twelve percent of adults with diabetes take both insulin and oral medications, 19% take insulin only, 53% take oral medications only, and 156 do not take insulin or oral medications; and

Whereas, in the United States diabetes costs an estimated \$132 billion or one out of every ten health care dollars; and

Whereas, DDT, a component of the National Center for Chronic Disease Prevention and Health Promotion of the Centers for Disease Control and Prevention and the United States Department of Health and Human Services, implements transitional programs which have shown to be effective; and

Whereas, DDT takes information from clinical trials and incorporates the findings into clinical and public health practices; and

Whereas, according to the DDT mission, more needs to be done to eliminate the preventable burden of diabetes through leadership, research, programs and policies that translate science into practice; and

Whereas, for fiscal year 2004, the funding for the DDT is \$66.9 million: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress to increase funding for the DDT to help in the fight against a deadly disease which affects 6.30 of the population; 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-507. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the federal drug approval process for the consideration of medical uses for marijuana; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 226

Whereas, the Michigan Legislature supports the goal of safe and drug-free communities; and

Whereas, substantial scientific evidence shows that smoked marijuana is harmful and offers no medical benefit to suffering patients; and

Whereas, the Michigan Legislature strongly denounces any attempt to exploit the suffering of sick people by deceptive media campaigns; and

Whereas, medical policy should be set for the state of Michigan by Michigan lawmakers working in conjunction with federal and state officials and not by judges, celebrity spokespeople, or public relations efforts; and

Whereas, the National Cancer Institute has found that inhaling marijuana smoke for any purpose is a health hazard, because it contains over 400 potential carcinogens and delivers up to five times the amount of tar and carbon monoxide to the body as cigarette tobacco; and

Whereas, studies by the National Institute of Allergy and Infectious Diseases reveal that HIV-positive marijuana smokers progress to full-blown AIDS twice as quickly as nonsmokers and have an increased incidence of bacterial pneumonia; and

Whereas, there are safe and effective medicines, including chemical derivatives of the beneficial components of marijuana, that can help control and lessen symptoms of persistent nausea; vomiting, wasting syndrome, or loss of appetite from AIDS, chemotherapy, or radiation treatment, as well as medications available, for multiple sclerosis, glaucoma, and other medical conditions; and

Whereas, statistics on drug use document that when teen perception of risk decreases,

due to mixed messages sent by adults, teen use of marijuana increases; and

Whereas, marijuana is a gateway drug, as illustrated by the National Center on Addiction and Substance Abuse at Columbia University, which found that teenagers who smoke marijuana are 85 times more likely to use cocaine than those who do not; and

Whereas, the following medical organizations are opposed to making smoked marijuana available for medical use: American Medical Association; National Multiple Sclerosis Association; National Cancer Institute; National Institute for Allergy and Infectious Diseases; American Cancer Society; National Eye Institute; National Institute on Dental Research; National Institute for Neurological Disorders and Stroke: Now, therefore, be it

Resolved by the House of Representatives, That we express our opposition to any efforts to circumvent the federal drug approval process for the consideration of medical uses for marijuana; and be it further

Resolved, That we encourage the scientific community to continue its efforts to discover and test safe and effective medicines for people who are seriously ill, including potential medicines containing synthesized components marijuana, including Marinol and Sativex; 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-508. A resolution adopted by the House of Delegates of the General Assembly of the Commonwealth of Virginia relative to a Constitutional Amendment to prohibit federal courts from ordering or instructing any state or local unit of government to levy or increase taxes; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 4

Whereas, on April, 18, 1990, by a narrow vote of 5 to 4, the Supreme Court of the United States, in the case of *Missouri v. Jenkins* (495 U.S. 33), chose to ignore Article I, Section 8, of the Constitution of the United States, which reserves exclusively to the legislative branch of government the authority to tax the citizenry; and

Whereas, this ruling has set a disastrous example of allowing federal judges to order or instruct a state, or a political subdivision thereof, or an official of a state or political subdivision, to levy or increase taxes—overturning more than 200 years of judicial non-intrusion into the political thicket of prescribing the level of taxation to be foisted upon Americans; and

Whereas, in blistering dissenting remarks, Associate Justice Anthony Kennedy joined by Chief Justice William Rehnquist and Associate Justices Sandra Day O'Connor and Antonin Scalia pointed out that the *Missouri v. Jenkins* decision transgresses the basic principles which define the role of judges by endorsing "... an expansion of power in the Federal Judiciary beyond all precedent. Today's casual embrace of taxation imposed by the unelected, life-tenured Federal Judiciary disregards fundamental precepts for the democratic control of public institutions"; and

Whereas, Thomas Jefferson, that great native son of Virginia, forewarned of the threat that out-of-control federal courts would pose when he proclaimed, in an 1820 letter to Thomas Ritchie, that "A judiciary independent ... of the will of the nation is a solace ... and in colorful language he went on to describe the judicial branch as "... a subtle corps of sappers and miners con-

stantly working underground to undermine the foundations of our confederated fabric. They are construing our constitution from a co-ordination of a general and special government to a general and supreme one alone. This will lay all things at their feet ... " and in an 1821 letter to Judge Spencer Roane, Jefferson pointedly asserted that "The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot and unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them"; and

Whereas, in *The Federalist* No. 78, Alexander Hamilton cautioned that "The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body"; and

Whereas, the prevailing line of reasoning among those of us in the "Old Dominion" on the subject of taxation—without representation—finds situs as early as December 18, 1764, when what was then called Virginia's House of Burgesses remonstrated to the British House of Commons that "... it is essential to ... liberty that ... imposing taxes on the people ought not to be made without the consent of representatives chosen by themselves; who, at the same time that they are acquainted with the circumstances of their constituents, sustain a proportion of the burden laid on them"; and

Whereas, in his 1748 epic work, *The Spirit of the Laws*, the renowned political analyst Charles de Secondat Baron de Montesquieu prophesied that "... there is no liberty, if the power of judging be not separated from the legislative and executive powers. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator"; and

Whereas, James Madison, that noble Virginian—and later fourth President of the United States—opined in *The Federalist* No. 47 that "... the preservation of liberty requires that the three great departments of powers [executive, judicial and legislative] should be separate and distinct"; and

Whereas, lawmakers in the 24 states of Alabama, Alaska, Arizona, Colorado, Delaware, Illinois, Kansas, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia and Wyoming, as well as in the two United States territories, of Guam and the Commonwealth of the Northern Mariana Islands, have petitioned the Congress of the United States to propose for ratification an amendment to the Constitution of the United States to reverse the calamitous and ill-conceived 1990 holding in *Missouri v. Jenkins*; and

Whereas, Alexander Hamilton, in *The Federalist* No. 85, predicted that there indeed would be times when Americans would come to "... rely on the disposition of the state legislatures to erect barriers against the encroachments of the national authority"; Now, therefore, be it

Resolved by the House of Delegates, That the Congress of the United States be urged to propose for ratification an amendment to, the Constitution of the United States to prohibit federal courts from ordering or instructing any state or local unit of government to levy or increase taxes, the amendment to read as follows:

"Amendment XXVIII

"Section 1. Neither the Supreme Court nor any inferior court of the United States—nor

the court of any state, or political subdivision thereof, in its application of this Constitution or in its application of any law enacted by the Congress—shall have the power to instruct or order a state or political subdivision, or an official of such state or political subdivision, to levy or increase taxes.

“Section 2. For purposes of this Amendment, the word ‘state’ shall be understood to additionally include the District constituting the Seat of government of the United States, as well as any commonwealth, territory, or possession of the United States.”; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the House of Delegates of Virginia in this matter.

POM-509. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to public expressions of religious faith within the state of Louisiana; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 29

Whereas, the Declaration of Independence declared that governments are instituted to secure certain unalienable rights, including life, liberty, and the pursuit of happiness, with which all human beings are endowed by their Creator and to which they are entitled by the laws of nature and of nature's God; and

Whereas, the Tenth Amendment to the United States Constitution clearly recognizes that a state retains all rights not specifically delegated by the constitution to the federal government of the United States of America; and

Whereas, Article III, Section 2, of the United States Constitution grants the Congress the authority to except certain matters from the jurisdiction of the federal courts inferior to the United States Supreme Court; and

Whereas, over the last several decades, the federal courts have claimed legal jurisdiction in matters pertaining to religion within an individual state; and

Whereas, disputes and doubts have arisen with respect to public displays of the Ten Commandments and to other public expressions of religious faith; and

Whereas, legislation has been introduced in Congress to except subject matter jurisdiction from the federal courts in certain matters pertaining to the power to make a public expression of religious faith. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to continue to preserve Louisiana's sovereignty related to public expressions of religious faith within the state of Louisiana; be it further

Resolved, That the Legislature of Louisiana memorialize the Congress of the United States to pass legislation declaring that the power: (i) to display the Ten Commandments, (ii) to recite the Pledge of Allegiance, and (iii) to recite the national motto on or within property owned or administered by the several states or political subdivisions thereof be among the powers reserved to the states respectively; that the words to the Pledge of Allegiance are “I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with Liberty and Justice for all.”; that the words to the national motto are “In God We Trust”; and that the subject matter of these declarations

be exceptions to the subject matter jurisdiction of federal courts inferior to the United States Supreme Court; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana delegation of the United States Congress.

POM-510. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to a constitutional amendment regarding marriage; to the Committee on the Judiciary.

Whereas, marriage is a unique cornerstone of the family, which is the foundation of human society; and

Whereas, only marriage between one man and one woman has been permitted or recognized historically throughout the United States; and

Whereas, history has shown marriage between a man and a woman to be the best context for the reproduction of the human race and for raising children to be responsible adults; and

Whereas, marriage provides lower risk of infant mortality, better physical health for the children and has numerous health benefits for the father and mother; and

Whereas, religious and civil laws have granted marriage special recognition, benefits, responsibilities and legal protections since at least the beginning of recorded history; and

Whereas, the Commonwealth accords marriage more responsibilities and legal protections than other partnerships of unrelated individuals; and

Whereas, the Full Faith and Credit Clause in the United States Constitution provides that states must recognize the laws and judicial acts of every other state in the Union; and

Whereas, in 1996 Congress enacted the Defense of Marriage Act to exempt states from being required to afford full faith and credit to laws recognizing marriages between persons of the same sex; and

Whereas, in light of the Full Faith and Credit Clause of the United States Constitution, there is significant risk that the federal courts may hold the 1996 federal Defense of Marriage Act unconstitutional; and

Whereas, 37 states, including the Commonwealth, have enacted laws, commonly known as Defense of Marriage Acts, that ban same-sex marriages; and

Whereas, the unique legal status of marriage in the Commonwealth is in danger from constitutional challenges to these state marriage laws and the federal Defense of Marriage Act, which may succeed in light of the recent decisions on equal protection from the United States Supreme Court; and

Whereas, challenges to state laws have been successfully brought in Hawaii, Alaska, Vermont, and most recently in Massachusetts on the grounds that the legislature does not have the right to deny the benefits of marriage to same-sex couples and the state must guarantee the same protections and benefits to same-sex couples as it does to opposite-sex couples absent a constitutional amendment; and

Whereas, the Vermont legislature chose to preserve marriage as the “legally recognized union of one man and one woman,” but at the same time enacted a dual system of “civil unions” for same-sex couples that goes beyond existing “domestic partnership” and “reciprocal beneficiaries” laws that exist in California and Hawaii and in many localities in the United States today; and

Whereas, the Massachusetts ruling, by declaring that civil marriage means “the voluntary union of two persons as spouses to

the exclusions of all others,” represents the most far-reaching decision in its erosion of the states' right to define marriage; and

Whereas, the Massachusetts court has given the Massachusetts legislature 180 days to comply with the court's ruling, which is not sufficient time for the state to adopt a constitutional amendment to overturn the decision; and

Whereas, in light of the Massachusetts decision, many states are scrambling to determine what actions are needed to protect their state's Defense of Marriage Act from future court challenges; and

Whereas, H. J. Res. 56, 108th Cong. and S.J. Res. 26, 108th Cong. proposed an amendment to the Constitution of the United States to declare that “marriage in the United States shall consist only of the union of a man and a woman”; and

Whereas, a federal constitutional amendment is the only way to protect the institution of marriage and resolve the controversy created by these recent decisions by returning the issue to its proper forum in the state legislatures: Now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to propose a constitutional amendment to protect the fundamental institution of marriage as a union between a man and a woman; and, be it

Resolved further, That the Congress of the United States be urged to initiate an amendment . . .

POM-511. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to a constitutional amendment regarding rights to victims of crime; to the Committee on the Judiciary.

SENATE CONCURRENT MEMORIAL NO. 1003

Whereas, criminal defendants are afforded numerous federal rights and procedural protections; and

Whereas, victims of crime are not afforded any, federal rights or protections; and

Whereas, the people of this state believe in the individual rights and liberties of all persons and have amended the Constitution of Arizona to provide crime victims with rights and yet it is clear that without federal constitutional rights, crime victims' rights are less meaningful and enforceable.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States propose to the people an amendment to the Constitution of the United States that provides rights to crime victims and that embodies the following principles:

(a) The right to be informed of and not excluded from any public proceedings relating to the crime.

(b) The right to be heard regarding any release from custody.

(c) The right to consideration for the safety of the victim, the victim's interest in avoiding unreasonable delay and the victim's interest in restitution.

(d) The right to be heard regarding any negotiated plea or sentence.

(e) The right to receive notice of release or escape.

2. That any amendment to the Constitution of the United States to establish rights for crime victims grant standing to victims of crime to assert all rights established by the Constitution.

3. That any amendment to the Constitution of the United States to establish rights for crime victims should clearly state that the powers of the states to provide victims' rights in criminal proceedings, including the right to define and enforce such rights, shall not be restricted or diminished by the Congress or the federal courts of the United States.

4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-512. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to veterans' benefits for Filipino veterans; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 250

Whereas, on February 11, 2003, Representative Neil Abercrombie, along with other members, introduced H.R. 677 in the United States House of Representatives, which bill was referred to the House Committee on Veterans' Affairs; and

Whereas, the short title of this bill is "Filipino Veterans Equity Act of 2003"; and

Whereas, H.R. 677 would deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs for qualified Filipino veterans; and

Whereas, H.R. 677, in recognition of the courage and loyalty of the Filipino troops who fought along side our armed forces in the Philippines during World War II, would make health benefits available to more of these qualified Filipino veterans: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, the Senate concurring, That the President of the United States and the United States Congress are urged to support the passage of H.R. 677; and be it

Further Resolved, That certified copies of this Concurrent 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 members of Hawaii's congressional delegation, and the President of the Filipino-American Veterans, Hawaii Chapter.

POM-513. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to improving benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 203

Whereas, on December 8, 1941, thousands of Filipino men and women responded to President Roosevelt's call for help to preserve peace and democracy in the Philippines; and

Whereas, during the dark days of World War II, nearly 100,000 soldiers of the Philippine Commonwealth Army provided a ray of hope in the Pacific as they fought alongside United States and Allied forces for four long years to defend and reclaim the Philippine Islands from Japanese aggression; and

Whereas, thousands more Filipinos joined U.S. Armed Forces immediately after the war and served in occupational duty throughout the Pacific Theater; and

Whereas, valiant Filipino soldiers fought, died, and suffered in some of the bloodiest battles of World War II, defending beleaguered Bataan and Corregidor, and thousands of Filipino prisoners of war endured the infamous Bataan Death March and years of captivity; and

Whereas, their many guerrilla actions slowed the Japanese takeover of the Western Pacific region and allowed U.S. forces the time to build and prepare for the allied counterattack on Japan; and

Whereas, Filipino troops fought side-by-side with U.S. forces to secure their island

nation as the strategic base from which the final effort to defeat Japan was launched; and

Whereas, President William J. Clinton proclaimed October 20, 1996, as a day honoring the Filipino Veterans of World War II, recalling the courage, sacrifice, and loyalty of Filipino veterans of World War II in defense of democracy and liberty; and

Whereas, for decades after their heroic service under the command of their leaders and General Douglas MacArthur, these men and women of Filipino-American national heritage were denied the benefits and privileges provided to their American compatriots who fought side-by-side with them; and

Whereas, the Rescission Act of 1946 withdrew the U.S. veteran's status of Filipino World War II soldiers, thereby denying them the benefits and compensation received by their American counterparts and soldiers of more than sixty-six other U.S. allied countries, who were similarly inducted into the U.S. military; and

Whereas, the Rescission Act discriminated against Filipinos, making them the only national group singled out for denial of full U.S. veterans status and benefits; and

Whereas, the passage of S. 68, now pending in the United States Senate, would extend full and equitable benefits, particularly health benefits, to Filipino veterans, considering their advanced age and poor health; and

Whereas, S. 68 proposes to amend Title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, S. 68 would increase the rate of payment of compensation benefits to certain Filipino veterans, designated in Title 38 United States Code section 107(b) and referred to as New Philippine Scouts, who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, S. 68 would further make eligible for full disability pensions certain Filipino veterans who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, S. 68 would further require the Secretary of Veterans Affairs to furnish care and services to all Filipino World War II veterans for service-connected disabilities and nonservice-connected disabilities residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic: Now, therefore, be it

Resolved by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives concurring, That the United States Congress is respectfully urged to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii Congressional delegation, and the Secretary of Veterans Affairs.

POM-514. A concurrent resolution adopted by the Legislature of the State of Hawaii rel-

ative to President George W. Bush's plans to reduce veterans' benefits; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 126

Whereas, members of the armed forces faithfully and diligently serve the people of the United States and have fought and died in numerous wars and conflicts around the globe to protect the inalienable rights of life, liberty, and the pursuit of happiness for all Americans; and

Whereas, numerous individuals devoted the prime of their lives to defend the United States, often putting careers on hold, delaying their college education, and leaving families behind, without hesitation, asking for nothing but respect in return; and

Whereas, these heroic individuals faced adversity which most citizens will never be able to comprehend, often giving their lives for their fellow citizens; and

Whereas, a large number of veterans have been severely injured and disabled in the performance of their duties, often resulting in financial hardship; and

Whereas, citing a tight budget and overwhelming demand for services after opening their medical facilities to all veterans in 1998, the Veterans Affairs Department (VA) began efforts to halt enrolling new veterans into its health care system; and

Whereas, a memo from the VA in July 2002, stated that marketing veterans health care services at health fairs, open houses, and veterans meetings was inappropriate and banned newspaper ads and mailings encouraging veterans to enroll in the veterans health plan; and

Whereas, this memo was sent out at a time when approximately 300,000 veterans had been waiting for more than six months for an appointment at a VA medical facility, some waiting as long as two years for services; and

Whereas, Rep. Ted Strickland (D-OH) filed a lawsuit against the VA stating that the VA has a congressional mandate that requires the VA to perform outreach services and that the VA's failure to publicize information about health care benefits and veterans' services for veterans and their families is a violation of this mandate; and

Whereas, although Congress is currently considering a bill to allocate funding to the VA in the sum of \$28.6 billion for the current fiscal year, this funding level is still not enough to help alleviate many of the medical plights facing our brave American service men and women; and

Whereas, a number of veterans groups have criticized the President's budget submission for fiscal year 2005 as containing, "few legislative recommendations to improve, expand, or add new benefits for veterans," and that "along with gross funding deficiencies in practically every VA account, VA construction is to be dramatically and most detrimentally shortchanged as well"; and

Whereas, these groups have also criticized the Bush administration's shortcomings in proposals with respect to the provision of benefits to veterans such as:

(1) Developing a mechanism that greatly reduces government obligations to compensate disabled veterans for service-incurred disabilities such as alcoholism and drug abuse;

(2) Asking Congress to enact legislation to deny compensation to a group of disabled veterans who suffer greatly from their service-connected disabilities because these disabilities were obtained during periods of non-combat such as during meal periods;

(3) Proposing legislation to limit veterans to a one-time home loan guaranty;

(4) Recommending a cost-of-living adjustment (COLA) for compensation based on a projected 1.3 percent increase in COLA and

continuing the practice of rounding down COLA to the nearest whole dollar which, when done for many years in succession, will have a compounding effect in substantially eroding the value of the already modest rates of compensation; and

(5) Continuing to place restrictions on receiving both military retirement and veterans affairs disability benefits for certain veterans; and

Whereas, this lack of support for those individuals who sacrificed so much for the freedoms the citizens of the United States all enjoy today is shameful and should be looked at as a disgrace by all citizens: Now, therefore, be it

Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives concurring. That this body expresses its utmost disappointment in the lack of support the current administration has shown toward veterans of our armed forces; and be it further

Resolved. That Congress is urged to increase funding for the continuation and expansion of veterans benefits and services; and be it further

Resolved. That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and Hawaii's Congressional Delegation.

POM-515. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the realignment of veterans' services; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 682

Whereas, there are ten VA medical centers and 29 community-based outpatient clinics located in the Commonwealth of Pennsylvania; and

Whereas, nationwide the VA patient load has risen approximately 21% since 2001 to more than 6 million; and

Whereas, The Capital Asset Realignment for Enhanced Services (CARES) Commission is considering the closure or partial reduction of services at VA medical centers in Altoona, Butler, Erie and Pittsburgh; and

Whereas, many veterans service organizations oppose these proposed closures or reductions in service and consequent adverse effects on the quality and efficiency of health care for veterans throughout the Commonwealth of Pennsylvania: Therefore be it

Resolved. That the House of Representatives of the Commonwealth of Pennsylvania strongly urge the Department of Veterans Affairs to further evaluate the negative effects of the proposed realignment of veterans services and to consider alternative measures for the provision and enhancement of quality health care for veterans in the Commonwealth of Pennsylvania; and be it further

Resolved. That a copy of this resolution be sent to the President of the United States, to the Department of Veterans Affairs, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

H.R. 3340. A bill to redesignate the facilities of the United States Postal Service lo-

cated at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building", respectively, and for other purposes.

H.R. 4012. To amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act.

H.R. 4222. A bill to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building".

H.R. 4327. A bill to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the "Vitalis 'Veto' Reid Post Office Building".

H.R. 4427. A bill to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office".

S. 2501. A bill to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office".

S. 2640. A bill to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site, and for other purposes.

S. 2673. A bill to designate the facility of the United States Postal Service located at 1001 Williams Street, Ignacio, Colorado, as the "Leonard C. Burch Post Office Building".

S. 2682. A bill to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the "Ben Nighthorse Campbell Post Office Building".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Marine Corps nomination of Brig. Gen. Cornell A. Wilson, Jr.

Army nomination of Colonel Yves J. Fontaine.

Army nomination of Brigadier General Don T. Riley.

Army nomination of Col. Jerry M. Rivera.

Navy nominations beginning Rear Adm. (lh) Richard J. Mauldin and ending Rear Adm. (lh) Anthony L. Winns, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nomination of Capt. Timothy J. McGee.

Army nominations beginning Brig. Gen. Gregory J. Hunt and ending Col. Jose M. Vallejo, which nominations were received by the Senate and appeared in the Congressional Record on November 20, 2003.

Navy nomination of Gerald R. Manley.

Air Force nomination of Col. Douglas M. Pierce.

Air Force nominations beginning Lorena A. *Bailey and ending Jason P. *Zimmerer, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Marine Corps nominations beginning Col. Robert D. Papak and ending Col. Eugene G. Payne, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2004.

Marine Corps nominations beginning Col. Randolph D. Alles and ending Col. Martin Post, which nominations were received by the Senate and appeared in the Congressional Record on May 6, 2004.

Air Force nominations beginning Randall M. Ashmore and ending James O. Wooten, which were received by the Senate and appeared in the Congressional Record on May 10, 2004.

Navy nomination of Rear Adm. (lh) Steven L. Enewold.

Navy nominations beginning Rear Adm. (lh) Stanely D. Bozin and ending Rear Adm. (lh) Patrick M. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2004.

Marine Corps nomination of Maj. Gen. James F. Amos.

Navy nomination of Vice Adm. Timothy J. Keating.

Navy nomination of Vice Adm. John B. Nathman.

Army nominations beginning Stephan A. *Alkins and ending Clorinda K. Zawacki, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2004.

Army nominations beginning Douglas R. Dixon and ending Thorpe C. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2004.

Air Force nomination of Lt. Gen. Duncan J. McNabb.

Army nomination of Lt. Gen. Bantz J. Craddock.

Army nominations beginning Nancy H. Fielding and ending Tammy L. Miracle, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2004.

Army nominations beginning Brian R. Copes and ending Dennis P. Simons, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2004.

Navy nominations beginning Brian S. Adams and ending John M. Zuzich, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2004.

Valerie Lynn Baldwin, of Kansas, to be an Assistant Secretary of the Army.

Army nomination of Lt. Gen. James L. Campbell.

Army nomination of Maj. Gen. John M. Brown III.

Navy nomination of Vice Adm. Robert F. Willard.

Navy nomination of Vice Adm. Albert T. Church III.

Air Force nomination of Norman L. Williams.

Air Force nomination of Thomas R. Bird.

Air Force nominations beginning Rex A. Hinesley and ending Jeri K. Somers, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Air Force nominations beginning Peter W. Bickel and ending William D. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Air Force nominations beginning Donald A. Ahern and ending Michael A. Wobbema, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Myles E. Brooks, Jr. and ending James E. Watts, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Billy M. Appleton and ending Mil A. Yi, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.