

The name of that outstanding entertainment enterprise was Chick Lynn and his Chickadees. Sol never included that in his bio.

Sol and Toni were married 67 years and it remained a love story from start to finish. Toni committed and dedicated herself completely to him, and Sol to her. Toni rarely left his side the last year of his life while he was in failing health.

Sol loved his four daughters and their husbands. He regarded them not as sons-in-law, but rather as sons. His grandchildren were the light of his life. He suffered terribly at the tragedy endured by Judy.

Many people strive to leave this world a better place than when they entered it. Sol was one of the few who actually did. For this, we all owe him a debt of gratitude.

All of us have been most fortunate to have had the opportunity to know Sol and to love him. All of us have benefited from that relationship. All of us will sorely miss him. The world has lost a great man, and I have lost my best friend.

Closing Prayer

Rabbi Wohlberg and Hazzan Tenna Greenberg  
Exalted, compassionate God,  
Grant infinite rest, in your sheltering Presence,

Among the holy and the pure,

To the soul of Sol Linowitz  
Who has gone to his eternal home.

Merciful One, we ask that our loved one find  
perfect peace in Your eternal embrace.  
May his soul be bound up in the bond of life.  
May he rest in peace.

And let us say: Amen.●

#### AIDS

● Mr. SMITH. Mr. President, I discuss the recent announcement by the Centers for Disease Control and Prevention that the number of Americans living with HIV has now surpassed 1 million. An estimated 1.039 million to 1.185 million people nationwide were HIV-positive as of December 2003, an increase over the estimated 850,000 to 950,000 cases at the end of 2002. While the number of persons with HIV in my state of Oregon is small relative to other states, Oregon still saw an 85 percent increase in the number of cases between 2002 and 2003. Not since the height of the AIDS epidemic in the 1980s has there been so many Americans living with this terrible disease.

The latest estimate reveals both our success and failure at combating this disease. On a positive note, the increase reflects the significant advances in antiretroviral drug therapy that have allowed persons diagnosed with HIV to live longer, healthier lives. On the other hand it also reflects our shortcomings in preventing the spread of this disease. Despite the Federal government's goal to cut in half the number of new HIV cases each year, the figure continues to hold steady at about 40,000—the same rate of infection as in the 1990s. Moreover, some researchers believe that the number of new infections may actually be as high as 60,000 a year.

To be fair, responsibility for reducing the spread of HIV does not rest solely with the Federal government. According to the CDC, those at highest risk of

contracting HIV have become far too complacent in their behavior, particularly as it relates to the practice of safe sex. Nevertheless, there is much the Federal government can do to help stem the spread of HIV.

One way to reduce the number of new HIV cases is to ensure that those infected with HIV have access to treatment. Such treatments not only prevent individuals from developing full-blown AIDS, but also significantly lower the risk of transmitting the disease to others. Unfortunately, the cost of these treatments is prohibitive, especially for those who are uninsured or underinsured. For this reason, it is critical that Congress reauthorize and bolster the Ryan White Care Act this year. Among other things, the act includes the vitally important AIDS Drug Assistance Program, ADAP, which helps low-income and uninsured HIV/AIDS patients afford their costly drug treatments. An estimated 150,000 people—30 percent of all Americans receiving treatment for HIV currently receive their care through ADAP. Even with this program, however, States and local communities are overwhelmed. That is why I am requesting that Congress provide an additional \$300 million for ADAP for the 2006 fiscal year.

As successful as ADAP has been, critical gaps in our approach to HIV treatment and prevention remain. For example, HIV positive individuals have access to treatment under Medicaid only after they have developed full-blown AIDS. To remedy this flaw, I introduced the Early Treatment for HIV Act, ETHA, S. 311, with Senator HILLARY CLINTON. By providing access to HIV therapies before such persons develop AIDS, ETHA would reduce overall Medicaid costs and, as important, reduce the likelihood of additional infection.

By reducing the amount of virus in the bloodstream, early access to HIV therapies is a key factor in helping curb infectiousness and reducing HIV transmission. Strengthening ADAP and enacting ETHA will help put us on the right track to providing both adequate treatment for those with HIV, as well as reducing the number of new HIV cases.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### 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

##### ENROLLED BILL SIGNED

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bill:

S. 643. An act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

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

At 6:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2862. An act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1042. An act to amend the Federal Credit Union Act to clarify the definition of net worth under certain circumstances for purposes of the prompt corrective action authority of the National Credit Union Administration Board, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2862. An act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

#### 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-87 A joint memorial adopted by the Legislature of the State of Washington relative to the importation of Canadian beef and the reestablishment of export markets for United States beef; to the Committee on Agriculture, Nutrition, and Forestry.

##### SENATE JOINT MEMORIAL 8010

Whereas, On January 4, 2005, the United States Department of Agriculture proposed a rule to reopen on March 7, 2005, the United States border to the importation of Canadian live cattle and processed beef products; and

Whereas, On January 11, 2005, Canada announced that yet another cow in Alberta tested positive for bovine spongiform encephalopathy (BSE); and

Whereas, The United States Department of Agriculture has dispatched a technical team to Canada to investigate the circumstances that resulted in this additional infection including effective enforcement by Canada of the 1997 ruminant-to-ruminant feed ban; and

Whereas, The only incident in the United States where a cow tested positive with BSE

was on December 23, 2003, and that animal originated in Canada and unfortunately was shipped into Washington State; and

Whereas, The severe ramifications caused by this single animal was the closure by many foreign markets to beef produced within the United States; and

Whereas, Although progress has been made in reestablishing trust with our Asian trading partners, many of these bans to the import of beef from the United States continue in effect thirteen months after this single incident; and

Whereas, Even though the United States has commenced a major BSE testing program and no cattle indigenous to the United States have been detected to have BSE, once these foreign markets are closed, they have remained closed for prolonged periods of time; and

WHEREAS, Consumers in the United States continue to have confidence in beef produced in the United States and maintaining the safety of food supplies is the paramount concern to state and federal governmental officials; and

Whereas, Reestablishing trust with our trading partners and reopening export markets is of paramount importance to the American beef industry; and

Whereas, On February 25, 2005, the United States Department of Agriculture announced the results of the "science-based" decision to adopt the rule to lift the ban on importation of Canadian beef, for which a temporary injunction was immediately issued against the United States Department of Agriculture decision by a federal district court on February 28, 2005, and for which the United States Senate approved on March 3, 2005, Senate Joint Resolution 4 to nullify the United States Department of Agriculture rule: Now, Therefore, Your Memorialists respectfully pray that the United States Department of Agriculture: (1) Reaffirm to the Congress and the courts that the rule to lift the limited ban on importation of Canadian beef is based on sound scientific proof that consumer safety and animal health in the United States will be maintained; and (2) redouble its efforts to swiftly and successfully conclude negotiations with our trading partners to reestablish critical export markets for United States beef based on the same sound science, be it

*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Secretary of the United States Department of Agriculture, Mike Johanns, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-88. A joint resolution adopted by the General Assembly of the State of Tennessee relative to the awarding of the Congressional Medal of Honor; to the Committee on Armed Services.

#### HOUSE JOINT RESOLUTION 146

Whereas, First Lieutenant Garlin Murl Conner was a native of Clinton County, Kentucky, who served with distinction and valor in the United States Army during World War II; and

Whereas, Kentucky Congressman Ed Whitfield has introduced H.R. 605 in the 109th Congress to authorize the President to award a Medal of Honor posthumously to First Lieutenant Garlin Murl Conner; and

Whereas, Lieutenant Garlin Murl Conner is Kentucky's most decorated war hero, who served on the front lines for more than eight hundred days in eight major campaigns; he was wounded seven times, but returned to combat and continued to fight on the front lines after each incidence; and

Whereas, during World War II, more than forty 3rd Division soldiers received Medals of Honor, more than any other Division; however, Lieutenant Garlin Murl Conner was not awarded the Medal of Honor due to an oversight and a failure to process the paperwork; and

Whereas, Lieutenant Conner served in the 3rd Infantry Division with Audie L. Murphy, America's most decorated war hero; compared to Audie L. Murphy, Lieutenant Conner was awarded more Silver Stars for acts of valor, fought in more campaigns, served on the front lines for a longer period of time, and was wounded more times. Lieutenant Conner was awarded many honors, including the Distinguished Service Cross, the Silver Star with three Oak Leaf Clusters, the Bronze Star, the Purple Heart with six Oak Leaf Clusters, and other medals; and

Whereas, on June 20, 1945, Lieutenant Conner was awarded the Croix de Guerre, the French Medal of Honor, which was also awarded to Sergeant Alvin C. York, America's most decorated World War I soldier. Lieutenant Conner and Sergeant York were friends who lived only a few miles apart on the Kentucky-Tennessee border; and

Whereas, Stephen Ambrose, America's foremost World War II historian, founder of the D-Day Museum in New Orleans, Louisiana, and author of many books, wrote on November 11, 2000, "I am in complete support of the effort to make Lieutenant Garlin M. Conner a Medal of Honor recipient. What he did in stopping the German assault near Houssen, France, in January, 1945, was far above the call of duty. I've met and talked at length with many Medal of Honor recipients and am sure they would all agree that Lieutenant Conner more than deserves the honor of joining them"; and

Whereas, on April 3, 2001, the 3rd Infantry Division leaders named the new EAGLE BASE in Bosnia-Herzegovina after Lieutenant Conner because of his gallantry in World War II and because "It's a company-grade forward operating base named after a soldier with a company-grade rank"; and

Whereas, Richard Chilton, a former Green Beret from Genoa City, Wisconsin, has been on a mission since 1996 to have the Medal of Honor awarded to Lieutenant Conner; his research has documented that Lieutenant Conner is one of the great combat heroes of World War II, equal in every way to Audie Murphy; and

Whereas, Mr. Chilton has made presentations to dozens of schools about Lieutenant Conner's war record and has copies of over 2,500 letters written by students to President George W. Bush requesting the Medal of Honor be awarded to Lieutenant Conner; after reviewing Mr. Chilton's information, a host of war veterans have written Congress requesting passage of legislation to award the Medal of Honor to one of America's greatest Citizen Soldiers, Lieutenant Garlin Murl Conner: Now, therefore, be it

*Resolved* by the House of Representatives of the One Hundred Fourth General Assembly of the State of Tennessee, the Senate Concurring, That this Body urges the United States Congress to enact legislation authorizing the President to posthumously award a Medal of Honor to First Lieutenant Garlin Murl Conner, United States Army, be it further

*Resolved*, That enrolled copies of this resolution be delivered to: Congressman Duncan Hunter, Chairman of the House Armed Services Committee; the Speaker and the Clerk of the House of Representatives of the United States; the President and the Secretary of the Senate of the United States; each member of the Tennessee Congressional Delegation; and the widow of First Lieutenant Garlin Murl Conner, Mrs. Pauline W. Conner.

POM-89. A resolution adopted by the General Assembly of the State of Ohio relative to the exclusion of the Youngstown Joint Air Reserve Station in Vienna Township, Ohio from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

#### (SENATE CONCURRENT RESOLUTION NUMBER 13)

Whereas, the Youngstown Joint Air Reserve Station in Vienna Township, Ohio, is the home of the 910th Airlift Wing and supports national objectives by providing mission-ready C-130 airlift forces, state-of-the-art C-130 aerial spray capability, and a premier air reserve station with modern facilities as a part of its mission. The Station also hosts a Navy-Marine Corps Reserve Center; and

Whereas, In addition to its mission, 910th Airlift Wing participates in a variety of community events, including the unit's "Pilot for a Day" program; and

Whereas, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect the Youngstown Air Reserve Station and the surrounding communities that support the station; and

Whereas, The Youngstown Joint Air Reserve Station is a key component of the community, having approximately 1,300 drilling members in the 910th Airlift Wing and hosting approximately 400 Naval and Marine Corps Reservists: Now, therefore, be it

*Resolved*, That the 126th General Assembly of the State of Ohio supports the Youngstown Joint Air Reserve Station and firmly believes that the Station should not be included in the Defense Base Closure and Realignment Commission's list of proposed installations to be closed, as it is a valuable asset to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that this station is not included in the Commission's closure list; 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, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM-90. A resolution adopted by the General Assembly of the State of Ohio relative to the exclusion of the Wright-Patterson Air Force Base from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

#### (SENATE CONCURRENT RESOLUTION NUMBER 11)

Whereas, Wright-Patterson Air Force Base is one of the largest and most complex air force bases in the United States and has a wide range of missions, including handling many diverse defense-related activities and developing the weapons systems of the future; and

Whereas, Wright-Patterson Air Force Base is the birthplace of aerospace and is a leader in aerospace research for the Air Force, as the base includes the Air Force Research Laboratory, the foremost aeronautical and aerospace research organization in the Air Force; and

Whereas, Thousands of students train each year at the Air Force Institute of Technology and millions of people visit the Air Force Museum, both of which are located at the base, and both aid in the economy of the region; and

Whereas, Wright-Patterson Air Force Base is the fifth largest employer in Ohio, employing approximately 22,000 people, and the

closure of this base would have a devastating economic impact in the local community and the state; and

Whereas, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect Wright-Patterson Air Force Base and the surrounding communities that support the base; now therefore be it

*Resolved*, That the 126th General Assembly of the State of Ohio supports Wright-Patterson Air Force Base and firmly believes that the base should not be included in the Defense Base Closure and Realignment Commission's list of proposed bases to be closed, as it is a valuable asset to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that this base is not included in the Commission's closure list; 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, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM-91. A resolution adopted by the General Assembly of the State of Ohio relative to the funding of the Joint Systems Manufacturing Center in Lima, Ohio through the Base Realignment and Closure process; to the Committee on Armed Services.

(SENATE CONCURRENT RESOLUTION NUMBER 7)

Whereas, The Joint Systems Manufacturing Center in Lima, Ohio, formally known as the Lima Army Tank Plant, produces a variety of armed combat vehicles and defense systems for the Army, Navy, and Marine Corps; and

Whereas, The Joint Systems Manufacturing Center is the only tank production facility in the United States and has the largest machining and fabrication product envelope in the United States Department of Defense; and

Whereas, Congress authorized a new round of the Base Realignment and Closure process to occur this year, which has the potential to affect the Joint Systems Manufacturing Center and the community of Lima that supports the Center; and

Whereas, The Joint Systems Manufacturing Center employs approximately 700 individuals and has an annual economic impact of \$246 million; Now, therefore, be it

*Resolved*, That the 126th General Assembly of the State of Ohio supports the Joint Systems Manufacturing Center in Lima, Ohio, and memorializes Congress to take appropriate action so that funding to the Center is not reduced through the Base Realignment and Closure process; 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, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM-92. A joint resolution adopted by the Legislature of the State of California relative to the Lemoore Military Operations Area (MOA) Initiative; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 1

Whereas, The United States Navy at Naval Air Station (NAS) Lemoore in joint partnership with the California Air National Guard

(CANG) 144th Fighter Wing, Fresno, have proposed the establishment of a new Military Operations Area. (MOA) over NAS Lemoore to satisfy many critical national defense training requirements, the Lemoore MOA Initiative; and

Whereas, The current price of military aircraft training in the existing training environment is substantial. The cost per flight hour of military aircraft is high. The current need to travel long distances to secure needed training requires large amounts of fuel and time to transit to and from the training location. Current training locations are increasingly crowded with other joint users of the training airspaces, which interferes with the quality of training and the safety of these training events. The current need of our military personnel to travel within the United States to secure needed training unavailable in the current training environment increases their time away from home, in a time where they are already overtaxed with overseas commitments; and

Whereas, The benefits of training in the new Lemoore MOA would be substantial because pilots would train closer to home base and reduce the costs of longer transits to existing training locations. The establishment of an additional, new training airspace location would relieve the pressure on the existing training locations increasing their training quality and safety. Our military personnel would have reduced requirements to travel away from home to secure needed training. It is estimated that up to 30 million taxpayer dollars annually could be saved or better utilized in training for national defense requirements. The increase in military service member morale resulting from fewer training deployments from home would also be significant; and

Whereas, The existing NAS Lemoore Air Traffic Control (ATC) airspace already exists and is approximately 30 nautical miles by 70 nautical miles to support current NAS Lemoore airport operations. The Lemoore MOA Initiative would allow tactical training flights inside this existing airspace. No supersonic, weapons employment, or aggressive maneuvering flights over populated areas will be allowed in the new airspace; and

Whereas, It is estimated that the high altitudes of the desired training flights and the sparsely populated rural environment of the land below the Lemoore MOA will have minimal environmental impact. To ensure this, the Navy in cooperation with the Federal Aviation Administration (FAA) is completing an Environmental Assessment (EA). The Lemoore MOA would not increase air emissions for the State Implementation Plan. Military training flights over the Sierra Nevada Mountains, including wilderness areas and the Sequoia and Kings Canyon National Parks, could be reduced if some of these flights were redirected to the Lemoore MOA; and

Whereas, The impact of the Lemoore MOA Initiative on the current civilian air traffic environment is considered minimal. The Navy in conjunction with the FAA is completing an operational analysis on both military and civilian air traffic patterns within the vicinity of NAS Lemoore. The footprint of the Lemoore MOA does not impact most air traffic flows; and

Whereas, Both the Navy and FAA are conducting outreach programs to the civilian aviation community to explain that the Lemoore MOA Initiative will allow for simultaneous military and civilian use of designated training airspace. These outreach programs are also informing civilian pilots that the Lemoore MOA will be managed in real time in an effort to prevent a conflict between military and civilian aircraft: Now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California urges the President and the Congress of the United States to support the establishment of the Lemoore Military Operations Area, for joint use by military aircraft from both the Naval Air Station Lemoore and the California Air National Guard, Fresno; and be it further

*Resolved*, That the California Legislature requests that the Federal Aviation Administration approve the creation of the Lemoore MOA as quickly as possible and that the California Congressional delegation pursue all efforts to ensure that the Lemoore MOA is established; 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, each Senator and Representative from California in the Congress of the United States, the Administrator of the Federal Aviation Administration, the Secretary of Defense, the Secretary of the Navy, the Secretary of the Air Force, and both author for appropriate distribution.

POM-93. A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to Federal Community Block Grant Funding for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION

Whereas, the federal Community Development Block Grant Program (Program) was initiated with the passage of the Housing and Community Development Act of 1974, Public Law 93-383, and is one of the oldest programs in the Department of Housing and Urban Development (HUD); and

Whereas, the Program provides annual grants on a formula basis to many different types of grantees through several programs such as:

(1) Entitlement Communities, which provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for low- and moderate-income persons;

(2) State Administered Community Development Block Grant, which awards grants only to units of general local government that carry out development activities in participating states that develop annual funding priorities and criteria for selecting projects;

(3) Section 108 Loan Guarantee Program, which allows Program entitlement communities to apply for a guarantee, and is available to Program non-entitlement communities if its state agrees to pledge the block grant funds necessary to secure the loan;

(4) Department of Housing and Urban Development-Administered Small Cities Program for non-entitlement areas in the State of Hawaii directly administered by HUD's Hawaii State Office in Honolulu;

(5) Insular Areas Program, which provides grants to four designated areas, including American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands;

(6) Disaster Recovery Assistance, in which HUD provides flexible grants to help cities, counties, and states recover from disasters declared by the President, especially in low-income areas, subject to availability of supplemental appropriations;

(7) Colonias, which allows Texas, Arizona, California, and New Mexico to set aside up to ten percent of their state Program funds for use in colonias; and

(8) Renewal Communities/Empowerment Zones/Enterprise Communities, a program with an innovative approach to revitalization, bringing communities together through

public and private partnerships to attract the investment necessary for sustainable economic and community development; and

Whereas, to be eligible, not less than 70 percent of the Community Development Block Grant funds must be used for activities that benefit low- and moderate-income persons over a one-, two-, or three-year period selected by the grantee; and

Whereas, all activities must meet one of the following national objectives to be eligible for the Program: (1) Benefit low- and moderate-income persons; (2) Prevention or elimination of slums or blight; and (3) Community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community; and

Whereas, the Program works largely without fanfare or recognition to ensure decent affordable housing for all, to provide services to the most vulnerable in our communities, and to create jobs and expand business opportunities; and

Whereas, the Program is an important tool in helping local governments tackle the most serious challenges facing their communities and has made a difference in the lives of millions of people living in communities all across this country; and

Whereas, the fiscal year 2006 budget offered by the Bush Administration eliminates the Program in its entirety by combining it along with 17 other programs into two new programs, reducing funding for the consolidated programs to \$3,700,000,000 and moving them to the Department of Commerce, which has no experience in community development; and

Whereas, the City and County of Honolulu, and the counties of Hawaii, Maui, and Kauai all receive Program grants from HUD and have used the grants to provide a plethora of much-needed facilities and services that have benefited low- and moderate-income household across the State; and

Whereas, elimination of the Program has been denounced by the United States Conference of Mayors, National Association of Counties, National Association of Housing and Redevelopment Officials, National League of Cities, National Community Development Association, and Local Initiatives Support Corporation: Now, therefore, be it

*Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, That the Legislature expresses its strong support of the Program and urges the United States Congress not to cut federal Program funding as proposed by the Bush Administration in the fiscal year 2006 federal budget and to support its restoration into the HUD budget at its current funding level of \$4,700,000,000; and be it further*

*Resolved, That certified copies of this Resolution be transmitted to the President of the United States, Vice-President of the United States, Speaker of the United States House of Representatives, members of Hawaii's Congressional delegation, HUD Assistant Secretary for Public and Indian Housing, the Governor, and mayor of each county.*

POM-94. A joint resolution adopted by the House of the Legislature of the State of Utah relative to financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

#### HOUSE JOINT RESOLUTION 1

Whereas, the financial institution industry is a critical part of Utah's economy;

Whereas, the state is benefitted by and relies upon a diversity of financial institutions within the state including the existence of a strong credit union industry and a healthy commercial bank industry;

Whereas, nationally, the competitive environment for banks and credit unions has changed significantly since the first credit unions were formed in the early 1900's;

Whereas, the rise and scope of federal credit unions is rooted in the Federal Credit Union Act of 1934, as amended over the years;

Whereas, the early credit unions started as small groups of people who shared a close and meaningful "common bond" such as occupations, the neighborhood where they lived, or a church they attended;

Whereas, such persons were less able to obtain loans from other financial institutions because of low income and the perceived high risk of default and were, therefore, especially vulnerable to usury lending practices by those that might unfairly take advantage of such conditions;

Whereas, a credit union chartered in this state is required to be a cooperative, non-profit association, incorporated to:

(1) Encourage thrift among its members; (2) create sources of credit at fair and reasonable rates of interest; and (3) provide an opportunity for its members to use and control their resources on a democratic basis in order to improve their economic and social condition;

Whereas, Congress has previously found that: (1) The credit union movement in America began as a cooperative effort to serve the productive and provident credit needs of individuals of modest means; (2) maintaining a meaningful affinity or common bond between members is critical to the fulfillment of the public mission of credit unions including promoting thrift and credit extension; and (3) credit unions are exempt from federal and most state taxes because they are member-owned, democratically operated, not-for-profit cooperative organizations generally managed by volunteer boards and because they have historically had the specified mission of meeting the credit and savings needs of their members, especially persons of modest means;

Whereas, financial institutions are subject to regulation by different federal governmental entities depending on their structure, charter, and identity as financial institution;

Whereas, the National Credit Union Administration charters and regulates federally chartered credit unions and as insurer oversees state chartered credit unions;

Whereas, commercial banks are subject to a variety of federal regulators depending on their charter including the Office of the Comptroller of the Currency, the Federal Reserve Board, or the Federal Deposit Insurance Corporation;

Whereas, the National Credit Union Administration has expanded its determination of what has historically constituted a well-defined local community for purposes of defining a field of membership to include large geographic areas;

Whereas, the broad field of membership established by the National Credit Union Administration allows state chartered credit unions to easily convert to a federal charter, allowing for: (1) Differences in tax treatment of federally chartered credit unions; and (2) differences in the regulations of member business lending;

Whereas, the U.S. Supreme Court held in 1998 that the original intent of the Federal Credit Union Act was to require a more narrow interpretation of credit unions' common bond and field of membership than what now exists under legislation adopted by Congress;

Whereas, commercial banks are subject to taxes on the federal, state, and local level;

Whereas, under the Internal Revenue Code, federal or state, chartered credit unions are exempt from paying federal income taxes;

Whereas, under the Federal Credit Union Act, as amended in 1937, states are prohib-

ited from imposing certain taxes on federal credit unions;

Whereas, in Utah, federally chartered and state chartered credit unions do not pay state income taxes;

Whereas, credit unions pay property taxes; Whereas, federally chartered credit unions do not pay sales and use taxes;

Whereas, the state and not the federal government should control and determine public policy affecting, the imposition of state taxes;

Whereas, all taxes on financial institutions, including both credit unions and commercial banks, should be examined to determine whether a different and more principled approach to taxing could lessen the tax burden wherever possible;

Whereas, federal tax policies and regulations related to financial institutions can result in the erosion of state and local tax bases;

Whereas, the possible erosion of the state tax base because of federal tax policy and regulations related to financial institutions can result in lost revenues to the state;

Whereas, the loss of revenues to the state impacts the state's ability to meet the essential needs of its citizens including the funding of education;

Whereas, all income tax revenues collected by the state are constitutionally dedicated in Utah to funding education;

Whereas, the funding of education is a top priority of the Legislature and, therefore, all exemptions from paying income tax are carefully scrutinized by the Legislature;

Whereas, the federal encroachment into state policy areas regarding financial institutions is not limited to taxation but also includes preemption of state regulation of the business activities of financial institutions within the state;

Whereas, this federal encroachment raises constitutional issues under the 10th Amendment and the Supremacy Clause; and

Whereas, the Financial Institutions Task Force has found that because of the conversion of many state chartered credit unions to federally chartered credit unions, significant issues of tax policy and competitive fairness among financial institutions now need to be addressed at the federal level: Now, therefore, be it

*Resolved, That the Legislature of the state of Utah affirms its decision to differentiate between traditional credit unions and those that have lost a meaningful affinity or bond and encourages Congress to consider a similar approach; and be it further*

*Resolved, That the Legislature urges Congress to examine the rulings of the National Credit Union Administration regarding "common bond" and field of membership to determine whether those rulings are over broad and inconsistent with the original intent of the Federal Credit Union Act; and be it further*

*Resolved, that the Legislature urges Congress to recognize and affirm the authority of states and local governments to determine whether federally chartered credit unions may be taxed the same as state chartered credit unions according to state law and related policy considerations; and be it further*

*Resolved, That the Legislature urges Congress to provide a principled, fair, and equitable tax structure for financial institutions, including credit unions and commercial banks alike, that allows the states to determine what state and local taxes shall apply to financial institutions whether state or federally chartered; and be it further*

*Resolved, That once a principled, fair, and equitable tax structure for financial institutions is adopted, Congress should examine whether the economic circumstances have changed since the enactment of the Federal*

Credit Union Act such that credit unions should have a broader role in the current financial marketplace; and be it further

*Resolved*, That the Legislature requests that if Congress elects to retain the current tax structure for financial institutions unchanged, it provide Utah and other states with a reasoned explanation for maintaining that tax structure without alteration; and be it further

*Resolved*, That the Legislature requests that Congress in determining monies provided to the state by the federal government for programs, including education programs, take into account revenues that may be lost to the state as a result of federal tax policy and regulations related to financial institutions; and be it further

*Resolved*, That the Legislature urges Congress to fully and carefully consider the principles, policies, circumstances, and conditions, identified and referenced in this resolution and promptly act as needed in order to remedy the same; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM-95. A concurrent resolution adopted by the Legislature of the State of Utah relative to honoring an individual for preserving the Range Creek Area; to the Committee on Commerce, Science, and Transportation.

#### HOUSE CONCURRENT RESOLUTION 10

Whereas, a ranch straddling remote Range Creek, a tributary of the Green River, and spreading to a nearby plateau, was recently sold by Waldo Wilcox, to the Trust for Public Land, a conservation group;

Whereas, with key funding appropriated by the United States Congress and the Utah Quality Growth Commission, and extensive lobbying for the purchase by the Sportsmen for Fish and Wildlife, the ranch was subsequently acquired by the state of Utah;

Whereas, the archaeological and cultural significance of the land contained on the ranch is extraordinary because an estimated 2,000 to 5,000 archaeological sites, most in excellent condition, are located on the 4,350 acre property;

Whereas, what makes Range Creek unique is that most of the archaeological sites obtained by the state are pristine because the Wilcox family vigilantly protected the land from vandals since acquiring the land more than 50 years ago;

Whereas, much of Range Creek is believed to have been inhabited a thousand years ago by pre-Columbian cultures, including the Fremont and the Archaic;

Whereas, radiocarbon tests date the village and rock shelter sites to between 1000 A.D. and 1200 A.D., and analysis of projectile points and pottery, using dates of known styles, shows the same range;

Whereas, the finds include individual pit houses, villages, arrowheads, shafts, granaries, pottery, basketry, and scattered rock art, the latter often representing otherworldly human figures, pecked spirals, and sheep figures;

Whereas, these items are found in areas that are at times green and pasture-like and at other mostly barren, with sparse desert vegetation;

Whereas, teams of volunteers and archaeologists have been documenting the sites, some of which are in the lower area beyond the ranch boundaries and have been raided and damaged by vandals;

Whereas, most of the sites on the property, however, are pristine and literally untouched;

Whereas, the Utah Division of Wildlife Resources manages the land, which is protected by a conservation easement controlled by the Utah Department of Agriculture and Food and the Utah Division of Forestry, Fire and State Lands;

Whereas, the state is developing a management plan for the gated property, involving wildlife managers and other partners, that may include regulated public access;

Whereas, the Range Creek property is not only an incredible archaeological resource, it is also a wildlife haven, with wild turkey, eagles, hawks, bears, cougars, elk, deer, bighorn sheep, and other important species;

Whereas, the creek itself could be developed as a blue ribbon trout fishery;

Whereas, the work of Waldo Wilcox to protect the land from vandals makes the archaeological sites unique and extraordinarily valuable now and for generations to come; and

Whereas, Waldo Wilcox's efforts symbolize the spirit of service and recognize the value of history to modern times: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, honor Waldo Wilcox for his tireless efforts to protect the archaeological sites on his former property along Range Creek for the benefit of future generations; and be it further

*Resolved*, That the Legislature recognize Waldo Wilcox's determination to preserve the state's history and make it possible for great advancements to be made in the understanding of early cultures in Utah; and be it further

*Resolved*, That a copy of this resolution be sent to Waldo Wilcox, the Utah Division of Wildlife Resources, the Utah Division of Forestry, Fire and State Lands, the Utah Department of Agriculture and Food, the Utah Quality Growth Commission, Sportsmen for Fish and Wildlife, the Trust for Public Land, and the members of Utah's congressional delegation.

POM-96. A joint resolution adopted by the Legislature of the State of Utah relative to space exploration; to the Committee on Commerce, Science, and Transportation.

#### JOINT RESOLUTION

Whereas, when Christopher Columbus made his voyages across the Atlantic in the 15th and 16th centuries, his ships carried the inscription "Following the light of the sun, we left the Old World";

Whereas, exploration and discovery have been especially important to the American experience, providing vision, hope, and economic stimulus, from New World pioneers and American frontiersmen to the Apollo space program;

Whereas, just as Lewis and Clark could not have predicted the settlement of the American West within a hundred years of the start of their famous 19th century expedition, the total benefits of a single exploratory undertaking or discovery cannot be predicted in advance;

Whereas, the desire to explore is part of the national character, and history has shown that space exploration benefits all humankind through new technologies for everyday application;

Whereas, new jobs formed across the entire economic spectrum have been created as a result of space exploration, along with new markets and commercial products;

Whereas, space exploration has inspired and educated many across the world, has enhanced United States leadership, has increased security, and has left a legacy for future generations;

Whereas, since its inception in 1958, the National Aeronautics and Space Administra-

tion (NASA) has accomplished many great scientific and technological feats, in addition to advancing humankind's knowledge of the Earth and the universe;

Whereas, on January 14, 2004, President George W. Bush announced a new vision for United States space exploration, with the goal of returning humans to the moon within the next decade and extending a human presence across the solar system; and

Whereas, the President's fiscal year 2005 budget request for NASA is \$1 billion higher than the previous year's request and would redirect \$11 billion in the existing funding to provide a total of \$12 billion over five years to help address the space exploration vision: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah expresses support for returning humans to the moon and pursuing human exploration of Mars and the solar system; and be it further

*Resolved*, That the Legislature supports continued funding of human space flight, Earth Science, and other programs, as well as continued funding of the space-related Shuttle Booster Program; and be it further

*Resolved*, That the Legislature encourages the United States Congress to enact and fully fund the proposed budget for the Space Exploration Program as submitted in the 2005 budget, which will enable the United States and the state of Utah to remain leaders in the exploration and the development of space; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, NASA, and the members of Utah's congressional delegation.

POM-97. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the sale of violent video games to children; to the Committee on Commerce, Science, and Transportation.

#### SENATE RESOLUTION NO. 33

Whereas, Americans have grown increasingly alarmed about youth violence. Inspired in part by violent media images, for too many of our children are committing violent crimes; and

Whereas, numerous medical organizations, including the American Medical Association and the American Psychological Association, as well as law enforcement agencies such as the Federal Bureau of Investigation, have concluded that viewing entertainment violence can lead to an increase in aggressive attitudes, values, and behaviors, particularly in children. Recent academic literature corroborates the findings of earlier studies that demonstrate exposure to violent video games produces aggressive behavior in children and young people; and

Whereas, violent, point-and-shoot video games are such effective combat simulators that law enforcement and military organizations use them extensively for training to accurately and effectively shoot firearms in real combat situations. Such games could actually serve to create a more deadly accurate youth criminal armed with a firearm; and

Whereas, There are concerns that current initiatives, including rating systems, are largely ineffective in shielding young children from video game images. While parental and family actions are of the utmost importance in this effort, there are steps that Congress can take: Now, therefore, be it

*Resolved by the Senate*, That we memorialize the Congress of the United States to conduct an investigation and take action to prevent the sale of violent video games to children; 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-98. A Senate Concurrent Resolution adopted by the General Assembly of the State of Ohio relative to the exclusion of the NASA John H. Glenn Research Center and the Defense Finance Accounting Services Center in Cleveland, Ohio from the list of base closures for the Base Realignment and Closure process; to the Committee on Commerce, Science, and Transportation.

(AMENDED SENATE CONCURRENT RESOLUTION NUMBER 12)

Whereas, The NASA John H. Glenn Research Center at Lewis Field in Cleveland, Ohio, is one of NASA's ten field offices, working to meet NASA's goals of understanding and protecting our home planet, exploring the universe and searching for life, and inspiring the next generation of explorers; and

Whereas, The focus of the Glenn Research Center is on research related to exploration systems; it leads NASA in fields of microgravity science and works in partnership with others to increase national wealth, safety, and security, to protect the environment, and to explore the universe. The Center also is NASA's leader in the area of aer propulsion research, which is important to NASA's goals to promote economic growth and national security and have safe, superior, and environmentally compatible civil and military aircraft propulsion systems; and

Whereas, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect the NASA Glenn Research Center and the community of Cleveland that supports the Center; and

Whereas, The Glenn Research Center employs approximately 3,300 individuals, and the employment of these individuals and the economic impact of the Center, along with the Center's research, make the Center a vital installation to Cleveland, the state of Ohio, and the nation; and

Whereas, The Defense Finance Accounting Services Center in Cleveland efficiently provides accounting and payroll services for our military and civilian personnel serving our country; and

Whereas, The Defense Finance Accounting Services Center is a vital part of Greater Cleveland's economy, providing employment to 1,200 persons; and

Whereas, The Base Realignment and Closure Process has the potential to affect the Defense Finance Accounting Services Center and the community of Cleveland that supports the Center: Now, therefore, be it

*Resolved*, That the 126th General Assembly of the State of Ohio supports the NASA John H. Glenn Research Center and the Defense Finance Accounting Services Center, and firmly believes that neither Center should be included in the Defense Base Closure and Realignment Commission's list of proposed bases to be closed, as both are valuable assets to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that neither Center is included in the Commission's closure list; 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, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM-99. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to establishing and requiring the .xxx domain name for adult-only web sites; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 30

Whereas, From 1983 to 1998, the federal government managed the Internet, including the Domain Name System (DNS), a central coordinating body that assigns unique e-mail and web site addresses so that the network runs smoothly. As the Internet evolved from a small-scale system of links among American academic institutions into a mainstream international communications, educational, and electronic commerce medium, the federal government concluded that it should no longer manage its development. In 1998, the United States Department of Commerce (DOC), in an effort to establish global standards and consensus-based policies, agreed to a Memorandum of Understanding (MOU) with the California-based private sector, nonprofit corporation called the Internet Corporation of Assigned Names and Numbers (ICANN). In part, the MOU calls for the joint development of the DNS in order to facilitate its future transfer to the private sector; and

Whereas, While the DOC continues to serve as the steward of the DNS during its transition to private sector management, it does not regulate ICANN, play a vital role in ICANN's internal governance or day-to-day operations, or intervene in ICANN activities unless the corporation's actions are inconsistent with the MOU. The only way that the department can influence ICANN decisions is either to not renew the MOU, which expires September 30, 2006, or through informal discussion with corporation officials; and

Whereas, In 2001, ICANN approved seven new top-level domain names, but refused to approve the .xxx domain name, which would have provided a cyber sanctuary to protect children from the corrupting influences of online pornography. To protect children, Congress has the authority to direct the DOC to establish and operate the second-level .xxx domain name within the United States. The .xxx domain name will safeguard children by allowing parents and libraries to employ filtering or blocking software technologies: Now, therefore, be it

*Resolved by the House of Representatives*, That we memorialize Congress to enact legislation allowing the Department of Commerce (DOC) to help shield children by establishing and requiring the .xxx domain name for adult-only web sites; and be it further

*Resolved*, That copies of this resolution be transmitted to the United States Department of Commerce, 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-100. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to action that would improve storage, desalt and augment the flow of Colorado River water supplies to river basin states; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL 2007

Whereas, In 1964, the United States Supreme Court decreed that Arizona is entitled to 2.8 million acre-feet of water from the Lower Colorado River each year. The water allocations for California and Nevada, the other lower basin states, were determined in the same litigation and each state was given equal priority under the Supreme Court's decree; and

Whereas, despite prevailing in the litigation, Arizona was unable to practically use its entitlement to the water until the Central Arizona Project (CAP) was constructed.

As a condition of obtaining congressional approval for the construction of the CAP, Arizona accepted a limitation on its water entitlement that effectively gives the state the lowest priority in times of shortage in exchange for commitment on the part of the federal government to augment Colorado River water supplies; and

Whereas, CAP provides one-third of Arizona's renewable water supplies and without this water, the many cities, towns, Indian communities and agricultural water users that depend on the CAP in Central Arizona would face critical water supply shortages.

Whereas, the Yuma desalting plant was constructed by the federal government pursuant to the Colorado River Basin Salinity Control Act to treat water for delivery to Mexico in satisfaction of United States treaty obligations, but the United States has failed to operate the desalter, thus causing the loss of more than one hundred thousand acre feet of water annually from Lake Mead; and

Whereas, the lack of adequate regulatory storage facilities in the Colorado River system above the Mexican border has resulted in the continuing overdelivery of water to Mexico, further reducing the supplies available to meet the needs of California, Nevada and Arizona and increasing the risk of shortage.

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

1. That the Congress of the United States take such actions, including enacting legislation and appropriating funds, as are required to construct or improve regulatory storage facilities in the lower Colorado River system, operate the Yuma desalting plant and augment the flow of the Colorado River to protect Arizona's Colorado River water supplies and allow the lower Colorado River basin states to maximize the benefits of their water entitlements.

2. 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-101. A joint memorial adopted by the Legislature of the State of Washington relative to the establishment of the Ice Age Floods National Geologic Trail; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL 8000

Whereas, The Ice Age Floods Study of Alternatives and Environmental Assessment recommends that the "Ice Age Floods National Geologic Trail" be established by the Congress of the United States of America to follow the floods' pathways; and

Whereas, The floods are responsible for shaping a fascinating landscape that spans much of Washington State from its eastern border to the Pacific Ocean; and

Whereas, The landscape and its natural history are a draw to recreators, scientists, and tourists, which stimulate interest in the region and benefit local economies; and

Whereas, Many floods' resources are on public lands and can be viewed from existing public roadways; and

Whereas, The envisioned trail is to be a public-private partnership coordinated by the National Park Service; and

Whereas, The Study of Alternatives recommends that no more than 25 acres be acquired by the National Park Service for use in the trail: Now, therefore, Your Memorialists respectfully support establishment of the Ice Age Floods National Geologic Trail; and, further be it

*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-102. A joint memorial adopted by the Legislature of the State of Washington relative to the rejection of the proposal to transition the Bonneville Power Administration from cost-based rates to market-based rates; to the Committee on Energy and Natural Resources.

SUBSTITUTE SENATE JOINT MEMORIAL 8018

Whereas, The Bonneville Power Administration supplies seventy percent of the electrical power consumed in the state of Washington; and

Whereas, Currently and since its creation the rates established for such power have been based upon recovery of its costs; and

Whereas, The ratepayers of the Pacific Northwest and West Coast have paid those costs in their entirety through their rates; and

Whereas, The Pacific Northwest region has experienced a nearly fifty percent increase in wholesale power rates since the energy crisis of 2001-2002; and

Whereas, The President's proposed fiscal year 2006 budget would transition the Bonneville Power Administration from cost-based rates to market-based rates;

Whereas, The Office of Management and Budget has estimated that such change would result in an estimated increase of one hundred dollars per year for each Pacific Northwest ratepayer; and

Whereas, This budget proposal would cost the Northwest region four hundred eighty million dollars next year and two and one-half billion dollars over three years; and

Whereas, The first argument to justify these increased rates, that the ratepayers of the Pacific Northwest are being subsidized by the federal government, is not well-founded in light of the fact that all of the Bonneville Power Administration's costs, including repayment of debt at market-based interest rates to the United States Treasury, are recovered from ratepayers, primarily individuals and businesses in the Pacific Northwest; and

Whereas, The second argument to justify these increased rates, that of further accelerating Bonneville's debt repayment to the United States Treasury, are not well-founded in light of Bonneville's success in recent years of early repayment of its debt, despite the sale of power at-cost and during difficult economic times; and

Whereas, This proposal if enacted would essentially result in a one hundred percent increase in power rates over a seven-year period, which will severely harm the region's businesses and industries, as well as all the residents of the region; and

Whereas, The administration's additional budget proposal to increase the types of transactions that would count against the Bonneville Power Administration's authorized debt limit would negatively impact the Bonneville Power Administration's ability to upgrade existing or build new vital infrastructure; and

Whereas, This proposal would lead to further limiting investment in an already constrained transmission system which could result in electricity shortages and decreased reliability: Now, Therefore, Your Memorialists respectfully pray that the proposal to transition the Bonneville Power Administration from cost-based rates to market-based rates, as expressed in the President's fiscal year 2006 proposed budget, be re-

jected; and furthermore, your memorialists respectfully pray that the proposal to add additional transactions for inclusion into the Bonneville Power Administration's authorized debt limit be rejected; and, be it

*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington, and the Secretary of the United States Department of Energy, Samuel W. Bodman.

POM-103. A concurrent resolution adopted by the Legislature of the State of Utah relative to approving the Utah recreational land exchange; to the Committee on Energy and Natural Resources.

Whereas, the Legislature of the state of Utah has an important role in reviewing land exchange proposals between subdivisions of the state and the United States;

Whereas, the School and Institutional Trust Lands Administration is seeking federal legislation authorizing the state of Utah to exchange up to 48,000 acres of state school and institutional trust lands and mineral interests for up to 40,000 acres of federal lands and mineral interests;

Whereas, the legislation would exchange state school and institutional trust lands that are currently scattered and, in many cases, surrounded by federal lands for consolidated lands that could be more efficiently managed and administered for the benefit of the trust land beneficiaries;

Whereas, the proposed exchange would also help preserve lands with significant scenic and recreational values within the Colorado River corridor, the vicinity of Dinosaur National Monument, and the Book Cliffs, benefiting local economies and that of the state as a whole; and

Whereas, the proposed exchange is in the best interests of the citizens of Utah: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, support the proposed land exchange between the state of Utah and the United States government; and be it further

*Resolved*, That the Legislature and the Governor request that the United States Congress enact laws authorizing the Secretary of the Interior to take all necessary actions to complete this exchange; and be it further

*Resolved*, That a copy of this resolution be sent to the United States Secretary of the Interior, Utah's School and Institutional Trust Lands Administration, and to the members of Utah's congressional delegation.

POM-104. A concurrent resolution adopted by the Legislature of the State of Utah relative to the opposition of nuclear testing; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION 7

Whereas, nuclear testing began at the Federal Government's Nevada Test Site in 1951;

Whereas, according to the United States Department of Energy's Nevada Operations Office, 45 of the 515 announced nuclear weapons tests that occurred between 1961 and 1984 released radioactivity beyond the testing site;

Whereas, many Utahns and many other citizens living downwind of those tests suffered as a result of being "active participants" in the nation's nuclear testing program;

Whereas, the Legislature of the State of Utah supports a strong military defense, but not at the expense of its citizens through renewed nuclear testing;

Whereas, as part of its recognition of the 50th Anniversary of nuclear testing at the Nevada Test Site in the 2001 General Session, the 54th Legislature of the State of Utah expressed "the fervent desire and commitment to assure that such a legacy will never be repeated";

Whereas, surviving "downwinders" who continue to suffer today know their fight against renewed nuclear testing will not benefit them personally because it is too late for them;

Whereas, surviving downwinders fight renewed nuclear testing for the sake of their children and grandchildren;

Whereas, a resumption of nuclear testing at the Federal Government's Nevada Test Site would mean a return to the mistakes and miscalculations of the past which have marred many Utahns;

Whereas, a resumption of nuclear testing essentially means the creation of a new generation of downwinders;

Whereas, a resumption of nuclear testing at the Federal Government's Nevada Test Site would verify the axiom that those who fail to learn from the mistakes of the past are doomed to repeat them;

Whereas, the resumption of nuclear testing at the Federal Government's Nevada Test Site would signify a dramatic step backward in the United States of America's resolve to learn from its tragic nuclear testing legacy;

Whereas, the "Wind Wall" is a planned monument to pay tribute to the people who lost their lives to nuclear testing, those who are battling downwinder-related diseases now, and for those who have lost loved ones because of nuclear testing;

Whereas, it is intended that the Wind Wall be placed in or near Washington County, Utah, as residents of that county were the most impacted by nuclear fallout; and

Whereas, the State of Utah has an obligation to its citizens, especially those who have suffered so much, to do all in its power to ensure that the lingering wounds from nuclear testing are not reopened to afflict both current and future generations: Now, therefore, be it

*Resolved*, That the Legislature of the State of Utah, the Governor concurring therein, strongly urge that the United States Government not resume nuclear testing at its Federal Government's Nevada Test Site; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, Downwinders, Inc., and the members of Utah's congressional delegation.

POM-105. A joint resolution adopted by the Legislature of the State of Utah relative to oil and gas drilling and exploration; to the Committee on Energy and Natural Resources.

Whereas, significant reserves of oil have been discovered in Utah;

Whereas, many investors are working through the steps to obtain oil and gas leases from the Utah state office of the Bureau of Land Management;

Whereas, for all federal oil and gas leases sold in the state, 50 percent of the proceeds go to the state of Utah;

Whereas, federal oil and gas lease sales for November 2003, totaled \$982,387; for February 2004, \$6,325,314; for June 2004, \$9,951,502; for September 2004, \$28,030,004; and for December 2004, \$521,916;

Whereas, although the September 2004 oil and gas lease sales were the largest in Utah in terms of acreage, roughly 190,000 acres were deferred or deleted from the sale when the Bureau of Land Management received

new information on wilderness characteristics of the land;

Whereas, every parcel available as part of an oil or gas lease is scrutinized prior to the sale to determine if it can be offered in compliance with, among others, the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act;

Whereas, to protect other resources, numerous stipulations and stringent requirements are placed on the oil and gas leases that are issued;

Whereas, currently over 400 oil and gas leases have been awarded but not yet issued because of litigation instigated by environmental groups;

Whereas, groups suing to halt the issuance of the awarded oil and gas leases are not parties to the sales of the oil and gas leases;

Whereas, much of the Bureau of Land Management's time is taken up with addressing protests of the sales of oil and gas leases;

Whereas, millions of dollars that could be invested in the state are being held pending the outcome of these lawsuits;

Whereas, individuals and companies who have purchased oil and gas leases in Utah or are contemplating a purchase are greatly concerned with how long their funds have remained tied up in a system that is not performing its intended purpose;

Whereas, protests should be addressed up to the time that the oil and gas leases are awarded, then should be restricted unless an error was made in the plain language of the lease; and

Whereas, unless concerns with the oil and gas lease process are resolved, many potential investors in Utah oil and gas leases will choose to do business in other states, costing the state much needed revenues; Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urges the United States Congress and the members of Utah's congressional delegation to take legislative steps necessary to address Utah's oil and gas drilling and exploration lease issuance problems; and be it further

*Resolved*, That the Legislature of the state of Utah urges that Congress and Utah's delegation act decisively to end the legal delays caused by individuals and groups who are not a party to the sale of an oil and gas lease; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Utah office of the Bureau of Land Management, and to the members of Utah's congressional delegation.

POM-106. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to the reform of the endangered species act; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT MEMORIAL 1002

Whereas, since its enactment thirty years ago, the Endangered Species Act has created unreasonable regulatory hurdles for property owners while failing to help many species; and

Whereas, the House Resource Committee of Congress has passed bills this session that would change the existing law by requiring peer review before a species could be listed as endangered and by allowing critical habitat to be designated for species only when "practicable"; and

Whereas, these bills now require passage by the full House and the Senate in order to become law; and

Whereas, the Western Governors Association has long supported legislation that

would reform the Endangered Species Act to protect the rights of property owners while continuing to meet its intended purpose of recovering species.

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

1. That the Congress of the United States take steps to enact legislation that would reform the Endangered Species Act to protect property owners while meeting its intended purpose of recovering species.

2. 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-107. A resolution adopted by the House of Representatives of the General Assembly of the State of Ohio relative to the Clear Skies Act of 2005; to the Committee on Environment and Public Works.

#### (AMENDED HOUSE RESOLUTION NUMBER 21)

Whereas, Although the nation's air quality has improved significantly since the early 1970's, pollutants such as sulfur dioxide, nitrogen oxide, and mercury continue at levels that cause environmental and public health concerns. Because of those concerns, the United States Environmental Protection Agency has established stricter National Ambient Air Quality Standards, most recently for ozone and particulate matter; and

Whereas, Currently, 474 counties, including 33 in Ohio, are in nonattainment with the ozone standard and 225 counties, including 32 in Ohio, are in nonattainment with the particulate matter standard. Nonattainment designations place a significant burden on state and local governments, which must develop plans to reduce emissions and come into attainment by a specified date; and

Whereas, In order to ensure that the states have the most effective means of attaining the new standards, the Clear Skies Act of 2005 (S. 131) has been introduced in the United States Senate. This legislation not only is based on the successful Acid Rain Program, it also incorporates a multi-emissions approach that takes advantage of the benefits that would result from controlling multiple pollutants at the same time; and

Whereas, The Clear Skies Act balances environmental, energy, and economic needs. For example, it requires power plants to reduce emissions of sulfur dioxide, nitrogen oxide, and mercury by 70% by 2018 and allows the nation to continue burning coal, our most abundant and low-cost energy source, while improving our nation's air quality; Now, therefore, be it

*Resolved*, That we, the members of the House of Representatives of the 126th General Assembly of the State of Ohio, support concepts in the Clear Skies Act of 2005 and urge Congress to seek resolution of the issues involved and enact legislation for the purpose of improving our nation's air quality and ensure our nation's economic stability; and be it further

*Resolved*, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the members of the Ohio Congressional delegation, and the news media of Ohio.

POM-108. A joint memorial adopted by the Legislature of the State of Washington relative to Social Security; to the Committee on Finance.

#### SENATE JOINT MEMORIAL 8014

Whereas, In August 1935, when Franklin Delano Roosevelt signed into law the Social

Security program, he asserted that the fundamental purpose of the initiative was to "give some measure of protection to the average citizen and his family against the loss of a job and against a poverty ridden old age;" and

Whereas, Today, seventy years later, about 48 million Americans—both retired workers and those who are disabled—receive modest checks from Social Security; and

Whereas, This modest support continues to be a bulwark against the indignities of poverty, accounting for more than half the income of two-thirds of those who receive benefits; and

Whereas, Social Security is now widely recognized by the public as one of the most successful programs in our nation's history, guaranteeing as it does, to all Americans, today and tomorrow, a basic standard of living; and

Whereas, It is being argued that Social Security should be privatized by diverting payroll taxes from current beneficiaries to private investment accounts; and

Whereas, Such reforms are likely to require the federal government to borrow nearly \$2 trillion, or \$100 billion to \$150 billion per year for ten years, to finance the transfer to create new private accounts; and

Whereas, In addition to adding to the already significant federal debt, this proposal would partially replace guaranteed benefits with ones that expose millions of retired Americans to the ups and downs of the stock market: Now, therefore, Your Memorialists respectfully request that the Congress and the Administration reject the current effort to privatize Social Security and instead engage in an open dialogue with the American public to arrive at a sensible solution that preserves the original intent of Franklin Delano Roosevelt, making Social Security an insurance fail-safe for the aged and disabled and a complement to every individual's ability to invest in the private market on their own; and be it

*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-109. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to Social Security reform; to the Committee on Finance.

#### SENATE CONCURRENT MEMORIAL 1003

Whereas, Social Security is the foundation of retirement income for most Americans; and

Whereas, preserving and strengthening the long-term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans current and future retirees and their families; and

Whereas, Social Security faces significant fiscal and demographic pressures; and

Whereas, the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that:

1. The number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

2. Within a generation there will be only two workers to support each retiree which will substantially increase the financial burden on American workers;

3. Without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

4. Without structural reform, the Social Security trust fund will be exhausted in 2042 and Social Security tax revenue in 2042 will

only cover seventy-three per cent of promised benefits, and will decrease to sixty-eight per cent by 2078;

5. Without structural reform, future Congresses may have to raise payroll taxes fifty per cent over the next seventy-five years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 per cent by 2042 and 18.3 per cent by 2078;

6. Without structural reform, Social Security's total cash shortfall over the next seventy-five years is estimated to be more than \$25,000,000,000,000 in constant 2004 dollars or \$3,700,000,000,000 measured in present value terms; and

7. Absent structural reforms, spending on Social Security will increase from 4.3 per cent of gross domestic product in 2004 to 6.6 per cent in 2078; and

Whereas, the Congressional Budget Office, the Government Accountability Office, the Congressional Research Service, the Chairman of the Federal Reserve Board and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in one or more of the following: 1. Higher tax rates; 2. lower Social Security benefit levels; 3. increased federal debt or less spending on other federal programs;

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

1. That the President, the Congress and the American people, including seniors, workers, women, minorities and disabled persons, should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system.

2. That Social Security reform must:

(a) Protect current and near retirees from any changes to Social Security benefits.

(b) Reduce the pressure on future taxpayers and on other budgetary priorities.

(c) Provide benefit levels that adequately reflect individual contributions to the Social Security system.

(d) Preserve and strengthen the safety net for vulnerable populations including the disabled and survivors.

3. That the United States Congress should honor section 13301 of the Budget Enforcement Act of 1990.

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-110. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to the United States entering into the Free Trade Area of the Americas; to the Committee on Finance.

#### HOUSE CONCURRENT MEMORIAL 2006

Whereas, the United States of America has always been the world leader in pushing for free trade, which is a hallmark of our capitalistic society; and

Whereas, both the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA), through the use of trade tribunals, now claim the sovereign authority to overrule decisions of American courts and make awards to foreign businesses for violations of trade agreements; and

Whereas, the United States is considering entering into a new thirty-four member Free Trade Area of the Americas (FTAA) in 2005.

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

1. That the United States Congress vote no on any agreement for the United States to enter into a Free Trade Area of the Americas (FTAA).

2. 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.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREGG, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2360. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109-83).

By Mr. DOMENICI, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2419. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109-84).

By Mr. ROBERTS, from the Select Committee on Intelligence, without amendment:

S. 1266. An original bill to permanently authorize certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, to reauthorize a provision of the Intelligence Reform and Terrorism Prevention Act of 2004, to clarify certain definitions in the Foreign Intelligence Surveillance Act of 1978, to provide additional investigative tools necessary to protect the national security, and for other purposes (Rept. No. 109-85).

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 491. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

By Mr. SPECTER, from the Committee on the Judiciary, with amendments:

S. 852. 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 REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations. \*Richard J. Griffin, of Virginia, to be an Assistant Secretary of State (Diplomatic Security).

By Mr. SPECTER for the Committee on the Judiciary. Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit. Rachel Brand, of Iowa, to be an Assistant Attorney General. Alice S. Fisher, of Virginia, to be an Assistant Attorney General.

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

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. DOLE:

S. 1254. A bill to suspend temporarily the duty on nitrocellulose; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Ms. COLLINS, Mr. DURBIN, and Mr. STEVENS):

S. 1255. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs; to the Committee on Finance.

By Mr. BIDEN:

S. 1256. A bill to require the Secretary of Homeland Security to develop regulations regarding the transportation of extremely hazardous materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. LAUTENBERG):

S. 1257. A bill to amend title 28, United States Code, to clarify that persons may bring private rights of actions against foreign states for certain terrorist acts, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAMBLISS:

S. 1258. A bill to designate the building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, as the "John Lewis Civil Rights Institute"; to the Committee on Environment and Public Works.

By Mr. SALAZAR:

S. 1259. A bill to amend title 38, United States Code, to extend the requirement for reports from the Secretary of Veterans Affairs on the disposition of cases recommended to the Secretary for equitable relief due to administrative error and to provide improved benefits and procedures for the transition of member of the Armed Forces from combat zones to noncombat zones and for the transition of veterans from service in the Armed Forces to civilian life; to the Committee on Veterans' Affairs.

By Mr. VITTER:

S. 1260. A bill to make technical corrections to the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. ALEXANDER:

S. 1261. A bill to simplify access to financial aid and access to information on college costs, to provide for more learning and less reporting, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mrs. CLINTON, Mr. MARTINEZ, Mr. BINGAMAN, Mr. TALENT, Ms. MIKULSKI, Mr. THUNE, and Mr. OBAMA):

S. 1262. A bill to reduce healthcare costs, improve efficiency, and improve healthcare quality through the development of a nationwide interoperable health information technology system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 1263. A bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program; to the Committee on Small Business and Entrepreneurship.

By Mr. CORZINE (for himself, Mrs. CLINTON, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. BOXER, Ms. CANTWELL, Mr.