

through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3100. A communication from the Counsel to the Inspector General, General Services Administration, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on July 18, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3101. A communication from the Chair, Corporation for Public Broadcasting Board of Directors, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3102. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the semi-annual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Finance.

EC-3103. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Vehicle Guidance" (Rev. Proc. 2005-48) received on July 14, 2005; to the Committee on Finance.

EC-3104. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Foreign Bank Interest Expense Allocation to Effectively Connected Income" (Notice 2005-53) received on July 18, 2005; to the Committee on Finance.

EC-3105. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Predeceased Parent Rule" (RIN1545-BC60) (TD 9214) received on July 18, 2005; to the Committee on Finance.

EC-3106. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Substitute for Return" (RIN1545-BC46) (TD 9215) received on July 18, 2005; to the Committee on Finance.

EC-3107. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Payroll Deductions by Member Corporations for Contributions to a Trade Association's Separate Segregated Fund" (11 CFR Part 114) received on July 15, 2005; to the Committee on Rules and Administration.

EC-3108. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, transmitting, pursuant to law, the report of a rule entitled "Etoazole: Pesticide Tolerance" (FRL No. 7723-3) received on July 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3109. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington; Order Amending Marketing Order No. 946" (Docket Nos. AO-F and V-946-3; FV03-946-01 FR) received on July 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3110. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Farmer Mac Nonprogram Investments and Liquid-

ity" (RIN3052-AC18) received on July 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

#### 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-142. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the United States Department of Agriculture (USDA) providing assistance, including additional emergency funding, in the effort to mitigate the infestation of the Emerald Ash Borer; to the Committee on Agriculture, Nutrition, and Forestry.

#### SENATE RESOLUTION 35

Whereas, Michigan asked the federal government for \$29.5 million to fight the Emerald Ash Borer (EAB) in 2005. On April 19th the USDA sent a letter to Governor Granholm saying there would be no more emergency funding to fight the EAB. The state has received only about \$10.9 million from USDA, which is not enough to fund all the current eradication strategies; and

Whereas, With alarming swiftness, the Emerald Ash Borer, an aggressive Asian insect, is threatening virtually all of the ash trees in the state of Michigan and surrounding region. In spite of the quarantine in 20 Michigan counties this beetle has killed or damaged approximately 15 million ash trees in the state. Overall, the EAB, an invasive species, is causing similar devastation in the states of Ohio and Indiana, as well as the Canadian province of Ontario, threatening as many as 700 million ash trees in our state and 8 million in North America; and

Whereas, Ash trees are very important to the ecology, economy, and environment of our state and the nation. Ash trees are used for many products in several sectors of business. Beyond these factors, the ash trees that grace our communities and neighborhoods are beloved shade trees that contribute enormously to the character and beauty of Michigan, the region, and the nation; and

Whereas, Governor Granholm is working to secure continued assistance from the federal government to deal swiftly with this devastating pest. Michigan needs sustained technical and financial assistance to face this emergency. The state has taken decisive actions to address this invasive species, but the magnitude of the problem and the immediacy of the issues make it clear we need the prompt assistance of Congress and the USDA: Now, therefore, be it

*Resolved by the Senate,* That we memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance, including additional emergency funding, in the effort to mitigate the infestation of the Emerald Ash Borer; 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-143. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to providing the necessary funding to restore Calcasieu Ship Channel in southwest Louisiana in order that the economic, safety, and security concerns may be adequately addressed; to the Committee on Appropriations.

#### SENATE CONCURRENT RESOLUTION 12

Whereas, the Calcasieu Ship Channel, located in southwest Louisiana, consists of

thirty-five inland miles of navigable waterway and thirty miles of offshore channel in the Gulf of Mexico with a project depth of forty feet; and

Whereas, two major refineries are completely dependent on the ship channel for crude oil supply, which is significant since these refineries produce four percent of the supply of motor fuels for the United States and have no alternate means of receiving crude oil imports; and

Whereas, the Calcasieu Ship Channel also hosts the largest liquified natural gas import terminal in the continental United States, which is undergoing an expansion to double its capacity, and additional receiving terminals have been proposed on the Calcasieu, one of which has been approved by the Federal Energy Regulatory Commission (FERC); and

Whereas, the Port of Lake Charles handles over fifty million tons of cargo per year, making it the nation's twelfth largest port; and

Whereas, with an abundance of environmentally sensitive, potentially combustible cargo combined with a lack of viable alternative transportation modalities suggests that loss of this critical transportation infrastructure would be economically and strategically devastating; and

Whereas, for the congressional Fiscal Year 2006, operating and maintenance funding of the Calcasieu Ship Channel was cut disproportionately in comparison to other ports and waterways; and

Whereas, the Calcasieu Ship Channel cannot be maintained at its project depth at forty feet of draft under the proposed budget for Fiscal Year 2006 and will be functionally impaired as a result; such consequences to include:

(1) Increased risk of a grounding in an environmentally sensitive estuary that is not protected by a levee system.

(2) Increase in the number of tanker ship transits of liquefied natural gas and crude oil, which in turn will compound the need for future dredging and maintenance.

(3) Increase in shipping costs to users of the ship channel resulting from the mandatory lightening of ships, eventually borne by consumers.

(4) Increase in the number of transits of hazardous and combustible cargoes directly increases the number of potential terrorist targets on the channel.

(5) Should the channel be closed due to a grounding, four percent of the nation's motor fuel supply will be cut off from the raw materials needed for its production: Therefore, be it

*Resolved,* That the Legislature of Louisiana memorializes the Congress of the United States to provide the necessary funding to the Calcasieu Ship Channel in southwest Louisiana in order that the economic, safety, and security concerns may be adequately addressed. Be it further

*Resolved,* That to adequately address these concerns presented by under-funding, the Calcasieu Ship Channel needs fifteen million dollars in annual maintenance funding and an additional one-time allocation of another fifteen million dollars to restore the channel to its authorized dimensions. Be it further

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

POM-144. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to requesting the Base Realignment and Closure Commission to reject the Defense Department's recommendation to close the Defense Information Systems Agency (DISA)

site in Slidell; to the Committee on Armed Services.

#### HOUSE CONCURRENT RESOLUTION 167

Whereas, the Defense Information Systems Agency (DISA) site in Slidell has been recommended for closure by the United States Department of Defense; and

Whereas, DISA is located on fourteen acres of land owned by the city of Slidell, and Slidell leases the land to the federal government for one dollar per year; and

Whereas, DISA, a computer systems agency, employs one hundred fifty-one employees with an annual payroll of \$10.8 million; and

Whereas, DISA's focus on technology serves as a stimulus for the attraction of high-tech businesses and the development of additional high-paying, professional jobs in the area; and

Whereas, the loss of the ten-year-old, multimillion dollar facility would be detrimental to the housing market, economy, and the city of Slidell; and

Whereas, DISA effectively provides services that are important to the defense of the nation: Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby urge and request the Base Realignment and Closure Commission to maintain the Defense Information Systems Agency location in Slidell as an active military installation and further requests that the members of the Louisiana congressional delegation support its continued presence in the city of Slidell and the state of Louisiana. Be it further

*Resolved*, That a suitable copy of this Resolution be transmitted to the President of the United States, George W. Bush, and to the Louisiana congressional delegation.

POM-145. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the expeditious resolution of the third nomination for the Medal of Honor; to the Committee on Armed Services.

#### SENATE CONCURRENT RESOLUTION 90

Whereas, Colonel Hackworth died May 4, 2005, of cancer in Mexico where he was receiving alternative medical treatments for his illness which is believed to have been caused by his exposure to defoliants during his nearly five years of combat duty in the Republic of Vietnam; and

Whereas, Colonel Hackworth was a legendary combat leader, earning a battlefield commission in the Korean War and receiving his first Silver Star and Purple Heart before he was old enough to vote; and

Whereas, Colonel Hackworth was such an exceptional and outstanding soldier that he became the youngest "Bird" Colonel in the United States Army during his numerous tours in Vietnam where his bravery in combat action put him in the same class of hero as Sergeant Alvin York in World War I and Audie Murphy in World War II; and

Whereas, Colonel Hackworth earned some one hundred ten medals, badges and citations during his twenty-six years in the Army, including two Distinguished Service Crosses, ten Silver Stars, eight Bronze Star Medals for Valor, and eight Purple Hearts for wounds suffered in combat, as well as two separate awards of the Combat Infantryman's Badge; and

Whereas, Colonel Hackworth transformed the hopeless 439th Infantry Battalion into the legendary Hardcore Battalion which became the most feared unit in the Mekong Delta, Vietnam; and

Whereas, Colonel Hackworth, during his 1969 tour with the 439th, received his third nomination for the Medal of Honor for his gallantry and bravery as he flew a helicopter directly on top of the enemy's position and

saved the lives of the entire point element of an Infantry Company pinned down and facing certain death by personally crossing a bullet-swept open area and carrying the wounded soldiers back to the chopper for extraction; and

Whereas, while the men who witnessed Colonel Hackworth's heroic actions are still actively urging the Pentagon to award the nation's highest award for valor to the Colonel, the Army, thirty-six years later, still has not considered the recommendation made by the men rescued that day and has made no award of any type for the Colonel's daring bravery which was clearly above and beyond the call of duty; and

Whereas, Colonel Hackworth retired from the Army after his public criticism of the military higher command's policy for fighting the Vietnam War and his accurate predictions that the war would be lost within five years unless America's policies and tactics were changed; and

Whereas, all three of Colonel Hackworth's nominations for the Medal of Honor were properly filed by witnesses to his extraordinary bravery, with two of the nominations resulting in the award of the Distinguished Service Cross, second in rank only to the Medal of Honor; and

Whereas, Colonel Hackworth was buried with full military honors in Arlington National Cemetery May 31, 2005, and enjoys a hero's well-deserved rest there now that none can deny him; and

Whereas, Colonel Hackworth surely deserves a posthumous award of the Medal of Honor for his truly unheard of and amazing third nomination for this country's highest acknowledgment of combat heroism, or, at the very least, some explanation of the military's failure to make any award for the nominated actions of thirty-six years ago; and

Whereas, several awards of the Medal of Honor were made during the administration of President Bill Clinton to minority veterans nominated for the medal but denied because of race and Pentagon politics: Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to make serious inquiry into the status of and pursue the expeditious resolution of United States Army Colonel David H. Hackworth's third nomination for the Medal of Honor for his heroism in battle while in the service of his country. Be it further

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

*Resolved*, That a copy of this Resolution be transmitted to Colonel Hackworth's widow, Eilhys England Hackworth.

POM-146. A joint resolution adopted by the General Assembly of the State of Tennessee relative to proposed cuts in agriculture-related programs and initiatives; to the Committee on the Budget.

#### SENATE JOINT RESOLUTION 277

Whereas, agriculture has been the backbone of the American way of life since the founding of our great nation and even today the United States of America remains the breadbasket of the world; and

Whereas, recognizing that farm planning is a multi-year process, the 2002 Farm Bill enacted by Congress provided a long-term commitment to the American farming and ranching communities to ensure stability in the agriculture industry and the overall agriculture economy; and

Whereas, the structure and funding levels of the current farm bill are currently being

threatened with budget cuts that will jeopardize the futures of America's farmers and ranchers, placing them at a serious competitive disadvantage during World Trade Organization's agriculture trade talks; and

Whereas, agricultural products are America's top export with more than \$62 billion in sales during 2004. Farm exports enable jobs and businesses for millions of Americans; more than 17 percent of the total American workforce is involved in the production, processing, and sale of the nation's food and fiber; and

Whereas, Tennessee ranks fourth in the nation in the number of farms within our borders; and agriculture contributes \$38.5 billion to the Tennessee economy and accounts for more than 214,000 jobs; and

Whereas, the economic well-being of Tennessee's agricultural producers directly contributes to the economic well-being of the state as a whole and, in turn, the economic health of our producers is dependent on the preservation of agricultural funding on a national level. Any budget cuts to agriculture-related programs and initiatives will be disastrous for the agricultural industry throughout the entire nation: Now, therefore, be it

*Resolved by the Senate of the One Hundred Fourth General Assembly of the State of Tennessee, the House of Representatives concurring*, That, in order to prevent extensive economic damage to the American agriculture industry and the economic stability of the citizens of Tennessee, the United States Congress is hereby urged to stop any cuts to the agriculture budget as proposed in the 2006 Federal Budget documents and are also, urged to provide full funding to the 2002 Farm Bill, and be it further

*Resolved*, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the President and Secretary of the U.S. Senate; the Speaker and the Clerk of the U.S. House of Representatives; and each member of Tennessee's congressional delegation.

POM-147. A resolution adopted by the Senate of the Legislature of the State of Iowa relative to declaring support for Amtrak; to the Committee on Commerce, Science, and Transportation.

#### SENATE RESOLUTION 58

Whereas, Amtrak, the national railroad passenger corporation providing national railroad passenger service, is energy efficient and environmentally beneficial; and

Whereas, Amtrak provides mobility to citizens of many smaller communities not well served by air and bus services and to those persons with medical conditions which prevent them from traveling by air; and

Whereas, according to Amtrak, Amtrak ridership in Iowa has increased from 47,442 in 2003 to 54,365 in 2004; and

Whereas, according to Amtrak, during 2004, Amtrak carried over 25 million passengers nationwide, representing an increase of over 4.3 percent compared to 2003; and

Whereas, in service to those 25 million passengers, Amtrak serves over 500 stations in 46 states on 22,000 miles of track with approximately 20,000 employees, contributing strongly to local and regional economies; and

Whereas, the Amtrak 2004 budget represented only 2 percent of the United States Department of Transportation's \$59 billion budget, compared to the balance for highway and airline subsidies: Now therefore, be it

*Resolved by Senate*, That the President of the United States and the Congress are urged to do the following:

1. Maintain a strong level of Amtrak funding; and

2. Include a strong Amtrak system in all plans for the national transportation system; and be it further

*Resolved*, That copies of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of Iowa's congressional delegation.

POM-148. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to protecting and ensuring the right of state and local governmental entities to comment on applications for new offshore liquefied natural gas facilities; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION 117

Whereas, Louisiana has had a major role in America's energy production and will continue to have a viable role in the future; and

Whereas, demand for natural gas in the United States is expected to grow by twenty-five percent during the next ten years and LNG will play an important role in the world's growing need for energy; and

Whereas, one of the greatest benefits of LNG is the new supplies of natural gas which will enter the market to offer relief to the American consumers; and

Whereas, today, more than one hundred fifty LNG ocean tankers transport more than one hundred ten million metric tons of LNG annually to more than forty ports around the world; and

Whereas, Louisiana and its citizens have long accepted the blessings and burdens of the oil and gas industry so that the rest of the nation may have an adequate supply of energy; and

Whereas, recent concerns have been growing across the coastal states regarding the use of open rack vaporization systems ("open-loop systems") at LNG terminals in the Gulf of Mexico; and

Whereas, the proposed open loop terminals would be placed in the Gulf of Mexico adjacent to the most productive estuaries in the United States; and

Whereas, one open-loop terminal would take in up to two hundred million gallons of Gulf water a day through structures similar to a radiator, run it over panels with a temperature of minus two hundred sixty degrees Fahrenheit, and return the water back into the Gulf treated and approximately twenty degrees cooler; and

Whereas, the Louisiana Department of Wildlife and Fisheries issued concerns about "the unknown effect of the open rack vaporizer regasification system's entrainment, impingement, and discharge characteristics on living marine resources, particularly considering the number of license applications for this type of facility being currently considered by the United States Coast Guard across the Gulf of Mexico"; and

Whereas, the governor of Louisiana stated "as a state supportive of LNG development, we have tried to work within the current licensing system to allow offshore LNG development . . . we are unable to reach an acceptable comfort level with the potential risks presented by the cumulative impacts of multiple offshore LNG facilities that use the open rack vaporizer system"; and

Whereas, the Governor of Louisiana has stated "Until studies demonstrate that the operation of the open rack vaporizer will not have an unacceptable impact on the surrounding ecosystem, I will only support offshore LNG terminals using a closed loop system having negligible impacts to marine life."; Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States

Congress and the Louisiana Congressional delegation to protect and ensure the right of state and local governmental entities to comment on applications for new offshore liquefied natural gas facilities and the right of the governor to veto to the extent authorized by federal law the approval of such facilities. Be it further

*Resolved*, That the Louisiana Legislature does hereby memorialize the U.S. Congress to direct the U.S. Maritime Administration to require that the environmental impacts of offshore liquefied natural gas terminals be fully investigated and considered before these facilities are licensed, especially in regards to the individual and cumulative impacts of open rack vaporization systems on marine species and marine habitat. Be it further

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

POM-149. A joint resolution adopted by the Assembly of the State of Nevada relative to taking certain actions concerning wilderness areas and wilderness study areas; to the Committee on Energy and Natural Resources.

#### SENATE JOINT RESOLUTION 1

Whereas, The provisions of 16 U.S.C. 1131 et seq., commonly referred to as the Wilderness Act, establish the National Wilderness Preservation System, which consists of areas of federal public lands that are designated by Congress as wilderness areas; and

Whereas, Congress has designated approximately 2.8 million acres of federal public lands in Nevada as wilderness areas; and

Whereas, If an area of federal public land is designated as a wilderness area, it must be managed in a manner that preserves the wilderness character of the area and ensures that the area remains unimpaired for future use and enjoyment as a wilderness area; and

Whereas, A reasonable amount of wilderness area in this State provides for a diverse spectrum of recreational opportunities in Nevada, promotes tourism and provides a place for Nevadans to escape the pressures of urban growth; and

Whereas, The provisions of the Wilderness Act and the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq., provide for the study of certain areas of land to determine whether those areas, commonly known as wilderness study areas, are suitable for designation as a wilderness area; and

Whereas, In conjunction with the provisions of the Wilderness Act and the Federal Land Policy and Management Act, the Bureau of Land Management of the Department of the Interior in the late 1970s conducted an initial inventory of approximately 49 million acres of federal public lands in Nevada to determine the suitability of such lands for designation as wilderness areas or identification as wilderness study areas and, in 1980, recommended that approximately 5.1 million acres of those lands be identified as wilderness study areas; and

Whereas, Although Congress recently enacted the Lincoln County Conservation, Recreation, and Development Act of 2004, Pub. L. No. 108-424, 118 Stat. 2403, pursuant to which approximately 768,000 acres have been given status as wilderness areas and approximately 251,000 acres have been released for multiple use under the Federal Land Policy and Management Act, the Bureau of Land Management continues to manage approximately 2.8 million acres of federal public lands in Nevada identified as wilderness study areas; and

Whereas, Decisions concerning whether to designate wilderness study areas as wilderness areas or release those areas for multiple use are important and must be made in a timely manner and without any unnecessary delays so that those lands which are suitable for designation as a wilderness area may be afforded full protection as such and those lands which are not suitable for designation as a wilderness area may be released for use and management for the public good as accorded by law; now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, Jointly*, That the members of the Nevada Legislature urge the Nevada Congressional Delegation to work with all interested Nevadans, land managers, affected parties, local governments, special interest organizations and members of the public in a spirit of cooperation and mutual respect to address issues concerning the designation of wilderness areas in Nevada; and be it further

*Resolved*, That the members of the Nevada Legislature urge Congress to take the following actions concerning wilderness areas and wilderness study areas:

1. As part of the legislative process for determining which federal lands should be designated as wilderness areas, and in accordance with stakeholder agreements, continue the policy of releasing federal lands that are a part of a wilderness study area for multiple use, and to continue the appropriate disposal of suitable federal lands for conversion to state or private lands, when the determination is made that those federal lands are unsuitable for designation as wilderness areas;

2. When determining whether to designate land as a wilderness area, carefully consider the requirements of existing and future military operations on the land and in the airspace over the land and make appropriate decisions based on those requirements; and

3. Support the adoption of a schedule for the timely consideration of a plan to release wilderness study areas that are found unsuitable for designation as wilderness areas; and be it further

*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

*Resolved*, That this resolution becomes effective upon passage.

POM-150. A joint resolution adopted by the Assembly of the State of Nevada relative to directing the Secretary of the Interior to provide full funding for the Clark County Sport Shooting Park; to the Committee on Energy and Natural Resources.

#### SENATE JOINT RESOLUTION 12

Whereas, The United States Congress passed the Southern Nevada Public Lands Management Act of 1998, which authorizes the United States Department of the Interior through the Bureau of Land Management to sell certain federal lands in Clark County to the private sector for development purposes; and

Whereas, The provisions of the Act allocate 5 percent of the profits from the sale of federal land to fund education in Nevada, 10 percent to the Southern Nevada Water Authority for water delivery projects, and 85 percent to a special account to be used for the federal acquisition of environmentally sensitive land to develop a Multi-Species Habitat Conservation Plan to protect threatened and endangered species, for capital projects on federal land managed by the Bureau of Land Management, the National Park Service and the United States Forest Service, and for developing parks, trails and natural areas in Clark County; and

Whereas, Additional legislation amended the Act to include the funding of conservation initiatives on federal land and federal environmental restoration projects at Lake Tahoe and to authorize that certain revenues be set aside for other specific purposes; and

Whereas, The Las Vegas Valley is the fastest growing metropolitan area in the United States and the Act was passed, in part, to offset growing recreational and environmental impacts on federal land surrounding the Las Vegas Valley and to provide recreational amenities within the Las Vegas Valley; and

Whereas, The residents of Clark County enjoy and utilize the right to own and use firearms, with persons in one of every three households estimated to own a firearm, and firearm owners have expressed a strong desire to develop a safe and affordable public shooting park in the Las Vegas Valley; and

Whereas, The Las Vegas Valley has limited public shooting opportunities and no public shooting parks, causing citizens to use federal lands for practice shooting, which results in illegal shooting, environmental damage and public safety issues; and

Whereas, Law enforcement, the security industry and local military units in the Las Vegas Valley have expressed a desire for a shooting park to meet training and Homeland Defense needs; and

Whereas, The need for a public shooting park was acknowledged by the Department of the Interior and Congress in January 2002 when President George W. Bush signed into law H.R. 2937, which transferred 2,880 acres of federal land to Clark County for the purpose of constructing a public shooting park; and

Whereas, The Clark County Board of Commissioners directed the Department of Parks and Community Services, with the advice of a citizen advisory committee, to design, construct and operate the shooting park; and

Whereas, The Sport Shooting Park Citizen Advisory Committee has recommended a conceptual plan for a safe, affordable and self-sustaining sport shooting park to meet the needs of the public, and this project enjoys strong support from the residents of the Las Vegas Valley; and

Whereas, The Department of the Interior, using money generated from the sale of land in Las Vegas Valley as required by the Southern Nevada Public Lands Management Act, funded the first phase of this project; and

Whereas, The Clark County staff proposed that the federal Parks, Trails and Natural Areas Subgroup recommend funding of \$42,160,000 by the Department of the Interior to complete the remainder of the Sport Shooting Park development, as phases 2 and 3 of the project; and

Whereas, The Parks, Trails and Natural Areas Subgroup funding recommendation eliminated the proposed law enforcement area and the park center, thereby reducing the funding recommendation to \$33,600,000; and

Whereas, The Clark County Board of Commissioners passed a resolution on March 1, 2005, requesting a reevaluation of the recommendation and the continuation of funding from the Southern Nevada Public Lands Management Act of 1998; and

Whereas, The Secretary of the Interior has the authority to authorize expenditure of money from the Act to provide full funding for the Clark County Sport Shooting Park: Now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, Jointly,* That the members of the 73rd Session of the Nevada Legislature hereby urge President Bush to direct the Secretary of the Interior to provide full funding for the Clark County Sport Shooting Park; and be it further

*Resolved,* That the members of the 73rd Session of the Nevada Legislature support the resolutions adopted by the Clark County Board of Commissioners on March 1, 2005, concerning the Southern Nevada Public Lands Management Act of 1998; and be it further

*Resolved,* That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, and each member of the Nevada Congressional Delegation; and be it further

*Resolved,* That this resolution becomes effective upon passage.

POM-151. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to establishing a domestic energy policy that will ensure an adequate supply of energy and the necessary infrastructure; to the Committee on Energy and Natural Resources.

#### SENATE CONCURRENT RESOLUTION 120

Whereas, the price of natural gas in the United States, the highest in the industrial world, has recently spiked and continues to show volatility; and

Whereas, the current price of natural gas has been equated to paying sixteen dollars for a gallon of milk, twelve dollars and seventy cents for a pound of ground beef, or nine dollars and twenty-one cents for a gallon of gasoline; and

Whereas, abnormally high natural gas prices have created an unanticipated burden of one hundred and eleven billion dollars on the economy of the United States over the past thirty months; and

Whereas, the United States relies too heavily on natural gas in our national energy supply, creating a tremendous imbalance between natural gas supply and demand; and

Whereas, Louisiana's manufacturers, farmers, small businesses, local governments, retailers, and residential consumers are struggling from skyrocketing natural gas prices; and

Whereas, thousands of jobs in these industries are threatened because many of these businesses use natural gas as a raw material and as an energy supply; and

Whereas, the natural gas imbalance is not a free market problem; and

Whereas, natural gas is domestically produced and very difficult to import, and the United States cannot correct the imbalance by the importation of natural gas; and

Whereas, the high price of natural gas is created by governmental policies that increase demand for natural gas while impeding the development of a greater supply by discouraging exploration and production; and

Whereas, the Legislature of Louisiana supports a sound and rational domestic energy policy; and

Whereas, such energy policy should develop a concerted national effort to promote greater energy efficiency and open promising new areas for environmentally responsible natural gas production: Therefore, be it

*Resolved,* That the Legislature of Louisiana memorializes the Congress of the United States to establish a domestic energy policy that will ensure an adequate supply of energy and the necessary infrastructure. Be it further

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

POM-152. A joint resolution adopted by the Legislature of the State of Nevada relative to recognizing the unsuitability of Yucca Mountain as the site for a repository to store and dispose of spent nuclear fuel and high-level radioactive waste; to the Committee on Energy and Natural Resources.

#### ASSEMBLY JOINT RESOLUTION 4

Whereas, Since 1954, when the Atomic Energy Act was passed by Congress, the Federal Government has been responsible for the disposal of radioactive waste, yet few environmental challenges have proven more daunting than the problems posed by the disposal of spent nuclear fuel and high-level radioactive waste; and

Whereas, In July 2002, despite seemingly inadequate standards set by the Environmental Protection Agency and the recommendation of the Secretary of Energy, President Bush signed legislation designating Yucca Mountain as suitable for the nation's only repository for high-level radioactive waste and spent nuclear fuel without regard to the constant and vigorous objections of the political leaders and residents of the State of Nevada, and ignored the underlying geologic isolation requirements set by Congress; and

Whereas, The recommendation of Yucca Mountain was not only premature but also flawed, especially given the Department of Energy's failure to conduct a comprehensive evaluation of the socioeconomic, environmental and public health and safety impact both within Nevada and within communities along national shipping routes; and

Whereas, Not only is the proposed repository in one of the most geologically active areas in the nation but, according to the Agency for Nuclear Projects, it is "the only repository under consideration in the world that is located above the water table, not below it"; and

Whereas, Even if risks related to geologic disposal are ignored, the designation of Yucca Mountain is of particular concern because of its location within an area rife with seismic and hydrothermic activity and because of its proximity to numerous fractures and earthquake faults, which could lead to underground contamination; and

Whereas, As more, problems are revealed, the Department of Energy has gravitated from the concept of geologic isolation; and now is relying almost exclusively on "engineered barriers" to keep radiological materials from migrating out of the repository and into the environment, essentially ignoring the foundational recommendation of the National Academy of Sciences that man-made materials not be used to compensate for faulty geology or hydrology; and

Whereas, The Nuclear Energy Institute has declared that the repository can be licensed "without the mountain," yet, if that is true, if the mountain is irrelevant and waste packages can be made to last for 10,000 years, why make tens of thousands of shipments of radioactive waste through the nation's cities to a site as seismically adverse as Yucca Mountain; and

Whereas, In July 2004, the U.S. Court of Appeals for the D.C. Circuit threw out a radiation safety standard set by the Environmental Protection Agency, finding that the Nuclear Regulatory Commission "breached its duty" to protect the health and safety of the public by limiting repository performance standards to 10,000 years, essentially ignoring the National Academy of Sciences when it recommended that the standard exceed 300,000 years; and

Whereas, The recent court decision has not only delayed the licensing process, but the Department of Energy has stated that they are unable to meet a standard longer than 10,000 years; and

Whereas, The Department of Energy contends it is better to have all nuclear waste at a single location rather than scattered around the country, yet this contention is flawed because Yucca Mountain will be at capacity by the time it is finally deemed to be ready for use, effectively putting to rest the "one safe site" idea; and

Whereas, Those within the nuclear industry itself have commented that storing high-level waste at a centralized location is no longer essential and, in fact, permits have been filed to build new nuclear power plants with on-site storage and to increase storage at existing plants, the sites of which are already protected by comprehensive security plans; and

Whereas, The Department of Energy's own analysis of Yucca Mountain suggests there would be fewer deaths and injuries if the Department allowed the waste to continue to be stored at existing power plants and storage sites until a safe and permanent site and transportation proposal can be confirmed; and

Whereas, Ninety percent of the waste to be shipped to Yucca Mountain is now located east of the Mississippi and, if transported, will impact at least 44 states, hundreds of cities, thousands of communities and nearly 50 million Americans who reside within 3 miles of potential shipping routes; and

Whereas, An area identified as the Caliente rail corridor has been designated as part of the transportation route, the designation of which is being contested, particularly since flooding occurred in that area in January 2005, eroding approach embankments and causing railroad tracks to be washed away, which led 5 to 10 trains to be rerouted through Reno; and

Whereas, Compounding the transportation issue is the fact that, even without an accident, Nevada's economy stands to lose upwards of \$5.5 billion annually as a result of the stigmatizing effects of the repository and the transportation of nuclear waste through the State; and

Whereas, As early as 1986, the Department of Energy acknowledged the potential for impacts to a tourism-dependent economy, an issue of great concern in Nevada, stating "the potential for adverse public perception of a repository and its associated waste transportation could adversely affect the tourism industry"; and

Whereas, Given the unique reliance of Nevada's economy on the State's ability to attract tourists, any impacts that reduce the number of visitors, especially to Las Vegas, would have major economic consequences for this State, leading to direct fiscal consequences for local governments as it is predicted that, even without an accident, visitor spending will decline by 7 percent, reducing local government tax revenues by \$91 million annually; and

Whereas, Not only is Nevada itself ranked the fastest growing state in the nation but the Las Vegas Valley, in particular, is one of the fastest growing areas in the nation, with Henderson, North Las Vegas and Las Vegas being among the top six fastest growing cities in the country, which further raises concerns because Yucca Mountain is located just 90 miles northwest of the Valley; and

Whereas, Recent setbacks include decreased funding by Congress, delays in the licensing process and the backlog in review by the Department of Energy of the documents to be submitted with the application, of which there are more than 2 million documents still in need of study; and

Whereas, The inescapable conclusion is that the Federal Government is in no way prepared to deal with, or is even aware of, the effects of the Yucca Mountain project on society and this country: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of Nevada, Jointly,* That numerous hurdles, including budget shortfalls, an unresolved radiation health safety standard, and transportation and corrosion issues, are cause for reconsidering Yucca Mountain as the proposed site for a nuclear waste repository; and be it further

*Resolved,* That President Bush is implored to remember a pledge he made in Las Vegas on August 12, 2004, to "stand by the decision of the courts and the Nuclear Regulatory Commission," and to live up to this promise by ordering the Department of Energy to stop its work on a license for a nuclear waste repository in Nevada; and be it further

*Resolved,* That despite the fact that voters in Nevada chose to re-elect President Bush, a recent poll indicates that approximately 70 percent of Nevadans remain opposed to Yucca Mountain, an ill advised project based on bad science, bad law and bad public policy, a choice that ignores better, less expensive and safer alternatives, a choice which hinders, not helps, national security; and be it further

*Resolved,* That Nevada has already borne more than its fair share of this nation's radioactive waste burdens, including, hosting hundreds of nuclear weapons tests during the Cold War and hosting the world's largest low-level and mixed radioactive waste disposal facility at the Nevada Test Site, which is also controlled by the Department of Energy; and be it further

*Resolved,* That the issue of how to dispose of nuclear waste, the deadliest substance known to mankind, is of great importance, requiring decisions to be based on "sound science," as was promised Nevada and the nation in 2000, before it is put on the roads, railways and waterways of this country; and be it further

*Resolved,* That with the abundance of safe, economical dry storage facilities at existing reactor sites, there is no current spent fuel emergency and nuclear power plants face no risk of shutdown, the residents and political leaders of the State of Nevada urge President Bush and Congress and all involved agencies to recognize the unsuitability of Yucca Mountain as the site for a repository to store and dispose of spent nuclear fuel and high-level radioactive waste; and be it further

*Resolved,* That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of Energy and each member of the Nevada Congressional Delegation; and be it further

*Resolved,* That this resolution becomes effective upon passage.

POM-153. A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to urging the Federal Government to provide medical care and compensation to nuclear victims in the Republic of the Marshall Islands; to the Committee on Energy and Natural Resources.

#### HOUSE RESOLUTION 141

Whereas, the International Declaration of Human Rights guarantees all world citizens the right to life and health and a clean environment, and one of the essential components in this fundamental right is the right to open information on environmental hazards and the short- and long-term effects of environmental contamination on human health; and

Whereas, given the continuing widespread reliance of many governments on nuclear energy and nuclear weapons, and given the im-

minent threat of acts of terror at nuclear facilities that could release large volumes of radiation into the global environment, it is essential that the federal government gather comprehensive data from a wide range of communities on sustained and extensive exposure to low-level radiation; and

Whereas, the United States government carried out sixty-seven above-ground tests of atomic and hydrogen bombs in the region of Enewetak and Bikini in the Marshall Islands from 1946 through 1958; and

Whereas, these bomb tests affected not only the atolls of Enewetak and Bikini, but also the downwind atolls of Rongelap, Utrik, Ujae, and others; and

Whereas, these atomic blasts were thousands of times more powerful than the bombs dropped on Hiroshima and Nagasaki, Japan; and

Whereas, three islands in the Bikini atoll and three islands in the Enewetak atoll completely ceased to exist as a result of these tests; and

Whereas, the federal government deliberately failed to protect the citizens of the Republic of the Marshall Islands from exposure to radioactive fallout; and

Whereas, significant numbers of residents of the four affected atolls experienced acute radiation sickness, thyroid cancer, skin cancer, other oncological illnesses, leukemia, birth defects, stillbirths, damage to reproductive organs, and endocrine disorders as a result of this exposure; and

Whereas, some of the radioactive materials released in massive quantities in these atomic tests remain dangerously radioactive for thousands of years; and

Whereas, the federal government has failed to conduct comprehensive, independent, open, and transparent health studies to determine the overall impact of the atomic bomb tests on the health of the citizens of the Marshall Islands; and

Whereas, newly declassified documents have verified that the federal government carried out radiation experiments deliberately injecting radioactive isotopes into Marshallese citizens without their informed consent; and

Whereas, officials from the United States Department of Energy, the National Cancer Institute, and other agencies charged with the protection of public health have admitted that they deliberately concealed or distorted the higher thyroid cancer rates and other health effects among nuclear survivors in the Marshall Islands; and

Whereas, the federal government has now threatened to cut off funds for medical care and compensation of nuclear victims in the Marshall Islands on the grounds that there is no legal basis for such payments and that no further nuclear health effects can be expected; and

Whereas, the Republic of the Marshall Islands currently lacks the financial and technical resources needed to remedy or combat the effects of radioactive fallout, to protect the public from further radiation exposure, to complete the further decontamination of all nuclear and military waste, or the devolution and restoration of the affected lands; 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 President of the United States and the Congress of the United States are respectfully urged to seek proper funding for medical care and compensation of nuclear victims who are residents of the Republic of the Marshall Islands, and for the development and decontamination of the affected Marshall Islands communities; and be it further

*Resolved,* That the federal government is further requested to immediately step up

their efforts to screen the health of exposed Marshall Islands populations and in particular, all newborn infants, now and in the future, that may suffer the long-term effects of exposure to radioactive fallout caused by atomic and hydrogen bomb testing conducted by the United States; and be it further

*Resolved*, That the federal government is urged to finance and commission a comprehensive independent health study to conclusively determine the impact of sustained exposure to high-level and low-level radiation; provided that the scope or duration of such health studies is requested to include the likelihood of chromosome damage and the likely emergence of genetic deformities in future generations; and be it further

*Resolved*, That the federal government is encouraged to establish health centers in the Republic of the Marshall Islands, and to finance and provide resources necessary to sustain health care adequate to the needs of nuclear victims that are Marshall Island residents; and be it further

*Resolved*, That the Congress of the United States is requested to hold public hearings on the Change of Circumstances Petition both in Majuro, Republic of the Marshall Islands, and in Washington D.C., and to allow representatives of the non-governmental organizations from Enewetak, Rongelap, Utrik, and Bikini to testify; and be it further

*Resolved*, That certified copies of this Resolution be transmitted to the President of the United States, through the Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, the Executive Director of the Aloha Medical Mission, the President of Micronesians United, the Director of Pacific Island and Asian American Ministry of the United Church of Christ, the Director of ERUB (Enewetak, Rongelap, Utrick, Bikini) Honolulu Marshallese Ministry, and the Director of the Friends Reatreat Center.

POM-154. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to approving funding for deepening the Houma Navigation Canal, including funding efforts to make beneficial use of the dredge material for embankment stabilization; to the Committee on Environment and Public Works.

#### HOUSE CONCURRENT RESOLUTION 84

Whereas, growth and development of businesses and industries are beginning to be restrained by the shallowness of the Houma Navigation Canal due to the fact that the existing depth of the canal does not allow passage of the larger barges and vessels which are necessary for newer equipment and products; and

Whereas, the Houma economy is heavily dependent on the oil and gas industry, and oil and gas exploration is venturing farther out into the Gulf of Mexico and into deeper and deeper water, ventures which require larger vessels and heavier equipment for support; and

Whereas, Houma has always been a major location of the industries necessary to support Gulf of Mexico oil and gas exploration and production, but the city may soon no longer be accessible to those support vessels and barges because of the restrictive depth of the Houma Navigation Canal; and

Whereas, economic growth in the area is dependent on the canal being dredged to a navigable depth of twenty feet, with the additional benefit that dredging the canal will provide dredge material that can be put to beneficial use in efforts for bank stabiliza-

tion and coastal preservation and restoration; and

Whereas, the United States Army Corps of Engineers has already begun design work on a set of locks in the canal, which will be designed for a navigable depth of twenty feet, and it is only logical that the canal on which the locks are located would be the same depth as the locks: Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress and the Louisiana congressional delegation to approve funding for deepening the Houma Navigation Canal to a navigable depth of twenty feet, including funding efforts to make beneficial use of the dredge material for bank stabilization and coastal preservation and restoration. Be it further

*Resolved*, That a copy of this Resolution be forwarded to the United States Congress, the Louisiana congressional delegation, the United States Army Corps of Engineers, New Orleans District, and the secretary of the Department of Natural Resources.

POM-155. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to permitting public access to the West Pearl Navigational Canal; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT RESOLUTION 66

Whereas, due to a shortage in federal funding for the operation of the West Pearl River Navigation Project, including no funding for staffing the fifty-eight mile waterway, the twenty-mile canal, or the three locks, the United States Army Corps of Engineers-Vicksburg District is preparing to close access by placing gates on the roads leading into the federal property on June 30, 2005; and

Whereas, the gates will block access roads leading to Locks 1, 2, and 3, and Poole's Bluff Sill; and

Whereas, citizens of Louisiana, especially the resident sportsmen and recreational boaters of St. Tammany and Washington parishes, have enjoyed the benefits of the boat launches for recreational purposes for many years and with the planned closure citizens will no longer have access nor be permitted to use such facilities; and

Whereas, residents of St. Tammany and Washington parishes who frequently use the boat launches and access roads are working with state and local officials on developing an alternative solution in order that such facilities and roads remain accessible: Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to permit continued public access to the West Pearl River Navigational Canal located in the parishes of St. Tammany and Washington and to extend the date of June 30, 2005 scheduled for closure until such time that an alternate long-term solution can be determined by state and local officials to maintain public access for the citizens of Louisiana. Be it further

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

POM-156. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to directing the United States Army Corps of Engineers, New Orleans District, to cease using Section 10 of the Rivers and Harbors Act to stop sustainable forestry practices in areas that have no impact on actual navigation except in the parishes of Terrebonne, Lafourche and St.

Charles; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT RESOLUTION 71

Whereas, Louisiana's wetlands support a variety of resources that are vital to the economic and environmental health of the state; and

Whereas, Louisiana's forests are ninety percent privately owned and play a vital role in the environmental quality of the state, covering over one-half the land area of the state and supporting an industry that contributes over \$5 billion to the economy each year; and

Whereas, the management of coastal wetland forests must be accomplished in a manner that respects the rights of property owners and recognizes the use of property in wetland areas in a manner consistent with sustainable wetland management; and

Whereas, forest landowners, loggers, and industry operate under the principles of sustainable forestry and conduct operations consistent with Louisiana's recommended Best Management Practices; and

Whereas, the United States Congress, in Section 404(F) of the Federal Water Pollution Control Act, otherwise known as the Clean Water Act, recognized that normal silviculture is a land use that is consistent with sustainable wetland management; and

Whereas, the United States Army Corps of Engineers, New Orleans District, is using an 1899 law, Section 10 of the Rivers and Harbors Act, addressing impediments to navigation to stop sustainable forestry practices and cause financial loss to landowners and the forest products industry in sustainable forested wetlands; and

Whereas, no other United States Army Corps district uses the 1899 law to stop logging in areas that have no impact on navigable waters; and

Whereas, certain acreage between the Atchafalaya and Mississippi Rivers, encompassing all or portions of the parishes of Terrebonne, Lafourche, and St. Charles, has been designated as an area of special significance to the United States and to the state of Louisiana and has been further designated as one of only twenty-eight National Estuaries in the United States; and

Whereas, the parishes of Terrebonne, Lafourche, and St. Charles fully support the efforts of the United States Army Corps of Engineers, New Orleans District, to protect and regulate coastal forestry activities: Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to direct the New Orleans District of the United States Army Corps of Engineers to cease using Section 10 of the Rivers and Harbors Act to stop sustainable forestry practices in areas that have no impact on actual navigation except in the parishes of Terrebonne, Lafourche, and St. Charles. Be it further

*Resolved*, That the Legislature of Louisiana finds that it is imperative that the critically-imperiled and valued regions of the parishes of Terrebonne, Lafourche and St. Charles should have the full protection afforded by Section 10 of the Rivers and Harbors Act. 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; each member of the Louisiana delegation to the United States Congress; the District Engineer for the United States Army Corps of Engineers, New Orleans District; the commissioner of the Department of Agriculture and Forestry; the secretary of the Department of Natural Resources; the state conservationist with the Natural Resources Conservation Service of the United States Department of Agriculture; and the executive

directors of the Louisiana Forestry Association and the Louisiana Pulp and Paper Association.

POM-157. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to enacting the Coastal Restoration Tax Credit Act of 2005; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION 61

Whereas, Louisiana's coastal wetlands are the seventh largest delta on earth, and the ecosystem serves as a habitat for both marine life and wildlife; and

Whereas, Louisiana's coastal wetlands host production and distribution of eighty percent of America's offshore oil and gas supply; and

Whereas, Louisiana's coastal wetlands provide an important energy corridor vital to the entire United States, serving as a storage location for a significant portion of the nation's Strategic Petroleum Reserve and as the location of the Louisiana Offshore Oil Port which is the nation's major import terminal for foreign oil; and further providing for the onshore and offshore intersections of oil and natural gas intrastate and interstate pipeline networks which serve as reference for futures markets, such as the Henry Hub for natural gas, the St. James Louisiana Light Sweet Crude Oil, and the Mars Sour Crude Oil contracts; and

Whereas, energy facilities in coastal Louisiana, in connection with other facilities in the state, transport nearly thirty-four percent of the nation's natural gas supply, over twenty-nine percent of the nation's crude oil supply, and are connected to nearly fifty percent of U.S. refining capacity; and

Whereas, the wetlands serve as the wintering habitat for millions of waterfowl and migratory birds, and approximately ninety-five percent of all marine life in the Gulf of Mexico spend part of the life cycle in the wetlands; and

Whereas, the wetlands serve as hurricane and storm surge protection for more than two million people living in the coastal zone, and as a buffer for the number one port system in the nation; and

Whereas, Louisiana's coastal wetlands are being lost at the rate of twenty-four square miles per year, which is approximately one football field lost every thirty-eight minutes; and

Whereas, Louisiana's coastal wetlands loss represents more than eighty percent of all coastal saltwater marsh loss in the continental United States; and

Whereas, if the current rate of loss is not slowed, the loss will have devastating impacts on Louisiana and the rest of the nation, including not only the loss of marine life and wildlife habitat, but also the exposure of over two million citizens and the nation's oil and gas infrastructure to deadly hurricanes and storms; and

Whereas, considering the potential expected cost for a Louisiana restoration plan is fourteen billion dollars over thirty years, the Coastal Restoration Tax Credit Act of 2005, serves a useful and important purpose by providing tax credits for expenses incurred by a taxpayer for approved projects which restore and protect coastal lands: Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to enact the Coastal Restoration Tax Credit Act of 2005. Be it further

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

POM-158. A joint resolution adopted by the Legislature of the State of Nevada relative to mandating the reporting of results of all clinical trials and the collection and analysis of the data by the appropriate Federal agencies; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION 14

Whereas, A clinical trial is a research study involving the participation and observation of human volunteers to determine the safety and effectiveness of drugs, biological products or medical devices; and

Whereas, There is no comprehensive system for tracking, organizing and disseminating information about ongoing clinical trials, and it is estimated that only half of the approximately 1 million trials conducted over the past 56 years have been reported; and

Whereas, One consequence of this lack of reporting is "publication bias" wherein positive results of trials are reported in order to get a drug approved, while trials which show harmful effects are not reported, resulting in a distortion of evidence on which to base medical determinations, allowing physicians to unwittingly prescribe drugs that may have hazardous side effects; and

Whereas, There are many reasons that volunteers participate in trials, such as gaining access to new treatments before they are widely available, obtaining expert medical care at leading health care facilities, playing an active role in their own health care and helping others by contributing to medical research; and

Whereas, There are many risks to participation in these trials, including possible unpleasant and even life-threatening side effects, and with a voluntary registry such as suggested by the pharmaceutical industry, companies may not report results that are unfavorable to their products, betraying the volunteers' trust, and without this information, there cannot be a true scientific evaluation of the study of that drug; and

Whereas, Many trials that are performed by academic researchers are sponsored by pharmaceutical companies, presenting a conflict of interest when reporting the results of the trials, and nearly one-fifth of government scientists say they have been pressured to support approval of a drug despite having concerns about its safety; and

Whereas, Each clinical trial in the United States must be approved and monitored by an institutional review board, which is an independent committee of physicians, statisticians, community advocates and others, to ensure that the trial is ethical and that the rights of the volunteers are protected; and

Whereas, Prescription drugs are regulated by the Food and Drug Administration, but with the discovery that some of the drugs developed for arthritis have been found to increase the risk of heart attacks and that some patients, especially children and teenagers who were prescribed antidepressants had increased rates of suicide and violence, with substantial evidence of the suppression of negative data concerning these drugs in clinical trials, there is a growing movement supporting a national registry of all clinical trials; and

Whereas, The pharmaceutical industry opposes full disclosure because of concerns that competitors would learn their research and development secrets and it would affect their profits, but the pharmaceutical industry is consistently one of the most profitable industries in the Fortune 500 list, and the welfare of the public must take precedence over all else; and

Whereas, For these reasons, the American Medical Association has called for all clinical

trials to be registered with the Federal Government; and

Whereas, The International Committee of Medical Journal Editors has issued a statement that, as of July 1, 2005, they will require registration in a public trials registry for all clinical studies that involve human patients as a condition of consideration for publication in member journals; and

Whereas, In the 108th Session of Congress, H.R. 5252 and S. 2933 were introduced which required researchers to enter their clinical trials into a federal registry before starting them and to report the results of the trials at the conclusion, but these bills died in committee; and

Whereas, Under current law, pharmaceutical companies are required to post information only about trials of drugs for serious or life-threatening diseases or conditions which are then posted on an existing government website, [www.ClinicalTrials.gov](http://www.ClinicalTrials.gov), that currently has a database of such studies conducted in all 50 states and in over 100 countries; and

Whereas, This website could be expanded to include information about the purpose, duration and outcomes of all clinical trials; and

Whereas, It is imperative that federal legislation be introduced to create a centralized and comprehensive national registry for mandatory reporting of all publicly and privately funded clinical trials involving drugs, biological products or medical devices; and

Whereas, Since it has been shown that unfavorable trial results which placed financial interests at risk are particularly likely to remain unpublished and hidden from public view, any legislation must require that the results of all clinical trials be reported, whether those results are positive or negative, because selective reporting of results distorts the body of evidence available for decision making; and

Whereas, By creating a single, comprehensive database of clinical studies and their results, scientific information is easily available, in a timely fashion, for use by researchers, journalists, public interest organizations, health care providers, patients seeking to enroll as subjects in clinical trials and the general public so that they may make informed decisions, resulting in safer and more responsible clinical trials; and

Whereas, Since many adverse effects do not surface until a drug is taken over a long period of time, periodic updates must be included in the registry to improve knowledge of the risks of longterm use; and

Whereas, To be effective, legislation would need to require that institutional review boards deny a stamp of approval to a clinical trial unless it is registered in the database; and

Whereas, To regain the public's trust in the clinical trials procedure, there must be full disclosure of the results of all clinical trials, allowing physicians and patients to make safe, appropriate and effective health care decisions by having all relevant information available; Now, therefore, be it

*Resolved by the Assembly and Senate of the State of Nevada, Jointly*, That, because carefully conducted clinical trials are recognized as a necessary and valuable tool in determining the efficacy and safety of products, the members of the Nevada Legislature hereby express their strong support for a national registry of clinical trials for the health and well-being of the public; and be it further

*Resolved*, That, since there is no pending legislation requiring a national registry of clinical trials before the 109th Session of Congress, the Legislature of the State of Nevada urges the Nevada Congressional Delegation to introduce and to support federal legislation which mandates registration of all

clinical trials before they are begun and full disclosure of the results; and be it further

*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, to the Speaker of the House of Representatives and to each member of the Nevada Congressional Delegation; and be it further

*Resolved*, That this resolution becomes effective upon passage.

POM-159. A joint resolution adopted by the Legislature of the State of Maine relative to funding the costs of special education and to end unfunded mandates; to the Committee on Health, Education, Labor, and Pensions.

#### JOINT RESOLUTION

Whereas, the Congress of the United States has found that all children deserve a high-quality education, including children with disabilities; and

Whereas, the Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess of expenses of education for children with disabilities; and

Whereas, the Congress of the United States has committed to contribute up to 40% of the average per-pupil expenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

Whereas, the Federal Government has never contributed more than a fraction of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

Whereas, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a high-quality education; and

Whereas, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of that state and what resources should be directed to address these issues and concerns; and

Whereas, the Federal Government recognized the inequalities of unfunded mandates on state governments when it passed the Unfunded Mandates Reform Act of 1995; and

Whereas, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirements: Now, therefore, be it

*Resolved*, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 40% of the national average per-pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

*Resolved*, That We, your Memorialists, respectfully urge and request that the Congress of the United States revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending the imposition of unfunded federal mandates on state governments; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

POM-160. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to amending the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE CONCURRENT RESOLUTION 245

Whereas, in 2002, the No Child Left Behind Act of 2001 was enacted on a bipartisan basis and signed into law by President George W. Bush; and

Whereas, all states that accept federal Title I education funds, including Hawaii, are subject to the requirements of the Act; and

Whereas, the purpose of the Act is to compel all public schools to make adequate yearly progress toward the goal of 100 percent student proficiency in math and reading by 2013-2014; and

Whereas, these expectations are unreasonable for students with limited English proficiency and students with disabilities, making it impossible for many of Hawaii's schools, that have a high population of these students, to comply with the law; and

Whereas, the Act does not allow states that may already have successful accountability systems in place to use their system to comply with the spirit of the Act; and

Whereas, states should be allowed to use a value-added or student growth approach in their state accountability plan; and

Whereas, the Act is an under-funded mandate that causes states and school districts to spend more money than the amounts appropriated by Congress to implement the Act; and

Whereas, the Act coerces participation by placing punitive financial consequences on states that refuse to participate; and

Whereas, in 2004, the National Conference of State Legislatures created a bipartisan task force to study the Act, resulting in suggestions for specific changes to make the Act more workable, more responsive to variations among the states, and more effective in improving elementary education; and

Whereas, the recommendations of the task force's February 2005 Final Report include the following:

(1) Substantially increasing federal funding for the Act;

(2) Reexamining the financial consequences for states that choose not to participate;

(3) Reevaluating the 100 percent proficiency goal established by the Act;

(4) Conducting a Government Accountability Office study of the compliance and proficiency costs associated with the Act;

(5) Giving the Individuals with Disabilities Education Act primacy over the Act in cases where these laws may conflict; and

(6) Providing states with much greater flexibility to meet the objectives of the adequate yearly progress provisions of the Act; and

Whereas, although the Act aims to provide flexibility for states to improve academic achievement and to close the achievement gap, the task force found that little flexibility has been granted to states to implement the Act: Now, therefore, be it

*Resolved*, By the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, that the United States Con-

gress is respectfully requested to amend the No Child Left Behind Act of 2001 according to the recommendations of the February 2005 Final Report of the National Conference of State Legislatures' Task Force on No Child Left Behind; and be it further

*Resolved*, That the current law and any revisions thereof recognize that under our federal system of government, education is primarily a state and local responsibility; and be it further

*Resolved*, That Congress is requested to allow states more flexibility to continue to work toward the goal of closing the achievement gap without the threat of losing federal funds; and be it further

*Resolved*, That Congress is requested to appropriate federal funding in amounts consistent with the levels authorized in the Act for education programs and expanded information systems needed to accurately reflect student, school, and school district performance and to pay the costs of ensuring student proficiency; and be it further

*Resolved*, That Congress is requested to authorize appropriate assessment methods and an alternative methodology for determining adequate yearly progress targets and progress for students who are not yet proficient in English and who have certain disabilities; and be it further

*Resolved*, That Congress is requested to amend the No Child Left Behind Act's current provisions relating to adequate yearly progress to apply sanctions only when the same groups or subgroups within a grade level fail to meet adequate yearly progress targets in the same subject area for two consecutive years; and be it further

*Resolved*, That Congress is requested to amend the Act to allow flexibility in:

(1) Determining adequate yearly progress using models that measure individual student growth or growth in the same cohort of students from year to year;

(2) Calculating adequate yearly progress for students belonging to multiple groups and subgroups; and

(3) Determining whether certain categories of teachers, such as special education teachers, are highly qualified; and be it further

*Resolved*, That Congress is requested to modify the No Child Left Behind Act's provisions relating to school choice by limiting the option only to those students whose performance is consistently below the proficiency level; and be it further

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

POM-161. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting federal policies designed to eliminate homelessness in the United States; to the Committee on Health, Education, Labor, and Pensions.

POM-162. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the creation of a national cord blood stem cell bank; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE RESOLUTION 75

Whereas, In discussion on stem cells in this country, one available resource has too often been overlooked—stem cells from umbilical cords. For example, a special type of stem cells known as hematopoietic progenitor cells have been successfully used for decades to reconstitute bone marrow and circulating blood cells in patients whose bone marrow

has been damaged by chemotherapy or other underlying disease. Blood collected from the umbilical cords of recently delivered infants have proven advantages over other sources of these cells, such as adult donors. Stem cells found in the umbilical cord are less immunologically mature than other sources, which lessens the risk of rejection when transplanted. In addition, the collection of these cells poses minimal risk to the mother and infant. In some cases there are sufficient stem cells in one umbilical cord for a transplant to reconstitute bone marrow in a recipient; and

Whereas, Nearly 12,000 Americans a year search for a bone marrow donor. Of these, only a small fraction identifies a relative who is an acceptable match for a successful donation. All the others must rely on a transplant from a stranger. More than 9 million adults have voluntarily entered bone marrow donor registries worldwide. This number is not sufficient to find a match for everyone in need; and

Whereas, The current system for collecting and registering umbilical cord blood in the United States is fragmented, with at least 20 public banks operating across the country, one of which is located in Grand Rapids, Michigan. In 2004, the United States Congress appropriated \$10 million to the Department of Health and Human Services' Health Resources and Services Administration to establish a National Cord Blood Stem Cell Bank Program. Congress directed the Institute of Medicine to make recommendations to set up and operate the bank. In April 2005 the Institute of Medicine met its responsibility by issuing an extensive report with recommendations on how to make the current system work and expand it for the benefit of physicians and patients searching for matching donors: Now, therefore, be it

*Resolved*, By the House of Representatives, That we memorialize the Congress of the United States and the Department of Health and Human Services to take the steps necessary to create the national cord blood stem cell bank based on the recommendations of the Institute of Medicine; 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 members of the Michigan congressional delegation, the Secretary of the Department of Health and Human Services and the Administrator of the Health Resources and Services Administration. Adopted by the House of Representatives, June 1, 2005.

POM-163. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to supporting Federal funding for Lyme disease research; to the Committee on Health, Education, Labor, and Pensions.

#### CONCURRENT RESOLUTION 4

Whereas, according to the Centers for Disease Control and Prevention (CDC), Lyme disease is probably the most common tick-borne bacterial disease in the world, and in the United States, it accounts for more than 90 percent of all reported cases of vector-borne illness; and

Whereas, New Hampshire ranked 12th nationwide in total reported cases to the CDC in 2003; and

Whereas, the number of reported cases in 2004 in New Hampshire has grown substantially from the 2003 reported numbers; and

Whereas, the tick populations are spreading northward with the primary carrier being the deer tick; and

Whereas, the lack of early detection of Lyme disease may result in unrecognized illness and persistent symptoms of Lyme disease infection; and

Whereas, further research and health care provider education about Lyme disease laboratory testing is needed; and

Whereas, the issue of co-infections is clouding the diagnostic picture with babesiosis, ehrlichiosis, anaplasmosis, Bartonella, RMSF, tularemia, tick paralysis, and other infections possibly being transmitted by the bite of the same ticks that transmit Lyme disease and Lyme-like diseases; and

Whereas, the educational awareness of this disease, insurance coverage, and research funding need more attention in New Hampshire; and

Whereas, government officials need to understand the complexities of this disease, develop good sound policy to draw attention to Lyme disease, and stop the spread of Lyme disease in the state of New Hampshire: Now, therefore, be it

*Resolved by the Senate, the House of Representatives concurring*, That the general court of New Hampshire strongly supports more federal funding for Lyme disease research; and

That the general court will continue to educate the public and physicians about this disease through the New Hampshire department of health and human services and other appropriate state agencies; and

That copies of this resolution signed by the president of the senate and the speaker of the house of representatives shall be sent by the senate clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation.

POM-164. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to enacting Federal legislation to ensure that deserving victims of asbestos exposure receive compensation; to the Committee on the Judiciary.

#### SENATE RESOLUTION 177

Whereas, asbestos, a mineral processed and used in thousands of construction and consumer products, is a dangerous substance and has caused thousands of people to develop serious and often fatal diseases and cancers; and

Whereas, millions of workers have been exposed to asbestos, and the economic toll resulting from litigation related to exposure to asbestos could run into the hundreds of billions of dollars; and

Whereas, many companies, in order to avoid bankruptcy and to compensate victims with manifest injuries from exposure to asbestos, have attempted to set aside sufficient resources to compensate such victims; and

Whereas, the new claims are resulting in a depletion of the funds available to compensate victims who have sustained serious injuries and who are in desperate need of compensation; and

Whereas, the United States Supreme Court has noted that federal and state courts have been inundated by an enormous number of asbestos cases that defies customary judicial administration and calls for national legislation; and

Whereas, the United States Senate Judiciary Committee, under the bipartisan leadership of Republican Senator Arlen Specter and Democratic Senator Patrick Leahy, have crafted a bipartisan piece of legislation that creates a fair and equitable system to deal with the asbestos litigation crisis; and

Whereas, this bipartisan legislation creates an asbestos trust fund that will ensure that victims of asbestos exposure will receive just and fair compensation: Therefore, be it

*Resolved*, That the Louisiana Senate does hereby memorialize the members of the United States Senate from Louisiana, Senator Mary Landrieu and Senator David Vitter, to continue to work toward enacting federal legislation to ensure that deserving victims of asbestos exposure receive compensation and continue to work with Senators Specter and Leahy to pass meaningful and fair asbestos litigation reform legislation. Be it further

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

POM-165. A resolution adopted by the City Commission of Belle Glade of the State of Florida relative to the protection and enhancement of the Community Development Block Grant (CDBG) Program; to the Committee on Health, Education, Labor, and Pensions.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. INHOFE for the Committee on Environment and Public Works.

Marcus C. Peacock, of Minnesota, to be Deputy Administrator of the Environmental Protection Agency.

Granta Y. Nakayama, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

By Mr. GRASSLEY for the Committee on Finance.

Suzanne C. DeFrancis, of Maryland, to be an Assistant Secretary of Health and Human Services.

Alex Azar II, of Maryland, to be Deputy Secretary of Health and Human Services.

Charles E. Johnson, of Utah, to be an Assistant Secretary of Health and Human Services.

(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 Ms. LANDRIEU:

S. 1427. A bill for the relief of Marcela Silva do Nascimento to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. CORZINE, Mrs. CLINTON, and Mr. FEINGOLD):

S. 1428. A bill to stop corporations from financing terrorism to the Committee on Banking, Housing, and Urban Affairs.

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

S. 1429. A bill to amend the Higher Education Act of 1965 to assist homeless students in obtaining postsecondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1430. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Health Education, Labor, and Pensions.