

## EXECUTIVE MESSAGES REFERRED

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

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

## MESSAGES FROM THE HOUSE

At 12:51 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the Senate amendment to the act (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and appoints the following members as the managers of the conference on the part of the House: Mr. KNOLLENBERG, Mr. WALSH, Mr. ADERHOLT, Mr. GRANGER, Mr. GOODE, Mr. VITTER, Mr. KINGSTON, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. EDWARDS, Mr. FARR of California, Mr. BOYD, Mr. BISHOP, Mr. DICKS and Mr. OBEY.

The message also announced that the House passed the bill (S. 211) to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes, with an amendment.

The message further announced that the House has passed the bill (S. 1134) to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965, without amendment.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4470. An act to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010.

H.R. 4661. An act to amend title 18, United States Code, to discourage spyware, and for other purposes.

H.R. 5061. An act to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan.

H.R. 5213. An act to expand research information regarding multidisciplinary research projects and epidemiological studies.

The message further announced that, the House agreed to the resolution (H. Res. 842) requesting that the Senate return to the House of Representatives the bill of the Senate (S. 1301) to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

The message also announced that, pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), amended by sec-

tion 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2651 note), the order of the House of December 8, 2003, and upon the recommendation of the Minority Leader, the Speaker appoints the following member on the part of the House of Representatives to the Commission on International Religious Freedom for a 2-year term ending May 14, 2006, to fill the existing vacancy thereon: Ms. Elizabeth Prodomou of Boston, Massachusetts, to succeed Ms. Patricia W. Chang of San Francisco, California.

## ENROLLED BILLS SIGNED

At 6:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 33. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites.

S. 2415. An act to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the 'Robert J. Opinsky Post Office Building'.

S. 2742. An act to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court.

H.R. 854. An act to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

H.R. 2828. An act to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

H.R. 5122. An act to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

## MEASURES PLACED ON THE CALENDAR

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

S. 2938. A bill to grant a Federal charter to the National American Indian Veterans Incorporated.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2949. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to reauthorize the Act, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-9613. A communication from the Administrator, Poultry Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Inspection of Eggs" (RIN0581-AB74) received on October 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9614. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Winter Pears in Oregon and Washington; Decrease of a Continuing Supplemental Assessment Rate for the Beurre d'Anjou Variety of Pears Grown in Oregon and Washington" (FV04-927-2) received on October 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9615. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Increased Assessment Rate" (FV04-993-2) received on October 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9616. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mandatory Country of Origin Labeling of Fish; Interim Final Rule" (RIN0581-AC26) received on October 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9617. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mango Promotion, Research, and Information Order" (RIN0581-AC05) received on October 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9618. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Gypsy Moth Generally Infested Areas" (Doc. No. 04-025-2) received on October 5, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9619. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Livestock Mandatory Reporting Act of 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9620. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC-9621. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC-9622. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC-9623. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC-9624. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC-9625. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC-9626. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC-9627. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC-9628. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC-9629. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of rear admiral (lower half); to the Committee on Armed Services.

EC-9630. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of general; to the Committee on Armed Services.

EC-9631. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of admiral; to the Committee on Armed Services.

EC-9632. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of general; to the Committee on Armed Services.

EC-9633. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of rear admiral; to the Committee on Armed Services.

EC-9634. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of officers authorized to wear the insignia of the next higher grade; to the Committee on Armed Services.

EC-9635. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report of a retirement; to the Committee on Armed Services.

EC-9636. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report of the authorization to wear the insignia of

vice admiral; to the Committee on Armed Services.

EC-9637. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report of the authorization to wear the insignia of vice admiral; to the Committee on Armed Services.

EC-9638. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Rule 19b-4, Filing With Respect to Proposed Rule Changes by Self-Regulatory Organizations, Form 19b-4, and Rule 11Aa3-2, Filing and Amendment of National Market System Plans, Under the Securities Exchange Act of 1934, and Regulation S-T, Mandated Electronic Submissions and Exceptions, under the Securities Act of 1933" (RIN3235-AJ20) received on October 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9639. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Singapore; to the Committee on Banking, Housing, and Urban Affairs.

EC-9640. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (Including 4 Regulations, COTP Jacksonville 04-112, COTP San Francisco Bay 04-025, COTP Jacksonville 04-093, CGD05-04-191)" (RIN1625-AA00) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9641. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 5 Regulations), CGD05-04-166, CGD01-04-121, CGD01-04-116, CGD01-04-123" (RIN1625-AA09) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9642. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Mandatory Ballast Water Management Program for U.S. Waters USCG-2002-14273" (RIN1625-AA52) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9643. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Security Zone: Atlantic Ocean, Chesapeake and Delaware Canal, Delaware Bay, Delaware River and its tributaries (CGD05-04-047)" (RIN1625-AA87) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9644. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (Including 5 Regulations), CGD05-04-160, CGD13-04-039, CGD05-04-182, CGD05-04-184, CGD05-04-190" (RIN1625-AA08) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9645. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Shipping and Transportation; Technical, Organizational and Conforming Amendments (USCG-2004-18884)" (RIN1625-ZA03) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9646. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Upper Chesapeake Bay, Patapsco and Severn Riv-

ers, MD (CGD05-04-135)" (RIN1625-AA00) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9647. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Suisun Bay, Concord California (COTP San Francisco Bay 04-022)" (RIN1625-AA87) received on October 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9648. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "National Plan of Integrated Airport Systems (NPIAS) 2005-2009"; to the Committee on Commerce, Science, and Transportation.

EC-9649. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska" (RIN1018-AT58) received on October 7, 2004; to the Committee on Energy and Natural Resources.

EC-9650. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-9651. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delaware: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL#7825-5) received on October 7, 2004; to the Committee on Environment and Public Works.

EC-9652. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Florida: Final Authorization of State Hazardous Waste Management Program Revision" (FRL#7825-8) received on October 7, 2004; to the Committee on Environment and Public Works.

EC-9653. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks" (FRL#7826-2) received on October 7, 2004; to the Committee on Environment and Public Works.

EC-9654. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revised Allotment Formula for Interstate Monies Appropriated Under Section 106 of the Clean Water Act" (FRL#7825-2) received on October 7, 2004; to the Committee on Environment and Public Works.

EC-9655. A communication from the Director of Finance and Administration, Delta Regional Authority, transmitting, pursuant to law, the Authority's Audited Financial Statements for Fiscal Year 2003; to the Committee on Environment and Public Works.

EC-9656. A communication from the Deputy Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Klamath River and Columbia River Populations of Bull Trout" (RIN1018-AI52) received on October 7, 2004; to the Committee on Environment and Public Works.

EC-9657. A communication from the Chief, Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Merchandise Fees Eligible to be Claimed as Certain Types of Drawback Based on Substitutions

of Finished Petroleum Derivatives" (RIB1505-AB44) received on October 5, 2004; to the Committee on Finance.

EC-9658. A communication from the Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to a free trade agreement with five countries of Central America and the Dominican Republic; to the Committee on Finance.

EC-9659. A communication from the Regulations Coordinator, Centers for Medicaid and Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Interest Calculations" (RIN0938-AL14) received on October 5, 2004; to the Committee on Finance.

EC-9660. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "United States Internal Revenue Service v. Donald Snyder 343 F3d 1171" (AOD2004-41) received on October 7, 2004; to the Committee on Finance.

EC-9661. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004" (Notice 200) received on October 7, 2004; to the Committee on Finance.

EC-9662. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, transmitting, pursuant to law, the report of the certification of a proposed manufacturing license for the export of defense articles or defense services in the amount of \$100,000,000 or more to Germany; to the Committee on Foreign Relations.

EC-9663. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, transmitting, pursuant to law, the report of the certification of a proposed manufacturing license for the export of defense articles or defense services in the amount of \$100,000,000 or more to a Sea Launch Platform in International Waters, or French Guiana, or Kazakhstan; to the Committee on Foreign Relations.

EC-9664. A communication from the Chairperson, District of Columbia Commission on Judicial Disabilities and Tenure, transmitting, pursuant to law, the Commission's annual report; to the Committee on Governmental Affairs.

EC-9665. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-529, "Alcoholic Beverage Penalty Act of 2004"; to the Committee on Governmental Affairs.

EC-9666. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-530, "Gallery Place Project Graphics Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9667. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-532, "Juvenile Justice Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC-9668. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-531, "Unemployment Compensation Pension Offset Reduction Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9669. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, the report of D.C. Act 15-528, "Fleeing Law Enforcement Prohibition Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9670. A communication from the Coordinator, Forms Committee, Federal Election Commission, transmitting, pursuant to law, a report relative to FEC Form 13, Report of Donations Accepted for Inaugural Committee; to the Committee on Rules and Administration.

EC-9671. A communication from the National President, Women's Army Corps Veterans' Association, transmitting, pursuant to law, the Association's annual audit; to the Committee on Veterans' Affairs.

#### 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-529. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the Central America Free Trade Agreement; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION NO. 113

Whereas, American sugar producers are among the most efficient in the world, with two-thirds of the world's sugar-producing countries producing at a higher cost than the United States; and

Whereas, Louisiana is one of the nation's top sugar-producing states, with sugar cane harvested on approximately four hundred fifty thousand acres spread across twenty-four parishes; and

Whereas, the sugar industry has an estimated two billion dollar economic impact on Louisiana with approximately seven hundred fifty million dollars in annual sales; and

Whereas, thirty-two thousand Louisianians directly depend on sugar for their livelihood; and

Whereas, American sugar producers currently work under a World Trade Organization tariff rate quota system that prohibits other countries from flooding the United States market with unfairly traded raw sugar; and

Whereas, flooding the market with unfairly traded sugar will depress the United States price, cause sugar loan forfeitures, significantly increase government costs, put sugar producers, mills, and refineries out of business, and hurt communities that depend on these sugar industries; and

Whereas, the sugar provisions in the Central America Free Trade Agreement allow Central American countries to increase the current quota of sugar they can ship into the United States by seventy-five percent next year with an additional two percent increase per year for the next fifteen years; and

Whereas, large increases in sugar imports will likely drive the domestic raw sugar price down below break-even levels for a large percentage of Louisiana sugar cane producers; and

Whereas, opening up the domestic market to high levels of imports could destroy the domestic industry in Louisiana, which is a vital economic engine for jobs and families; and

Whereas, the world sugar market is grossly distorted by government intervention, resulting in the dumping of surpluses onto the severely depressed world market; and

Whereas, bilateral and regional free trade agreements hurt the nations that unilaterally disarm themselves by opening their markets; Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize congress to oppose

the Central America Free Trade Agreement and the inclusion of sugar in all United States free trade agreements; Be it further

*Resolved*, That the Legislature of Louisiana urges the president to restrict all negotiations concerning sugar to the World Trade Organization; Be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-530. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Federal Temporary Extended Unemployment Compensation (TEUC) program; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 659

Whereas, over the past few years the national economy has struggled unsuccessfully to rebound from the recession, and a strong and sustainable recovery remains elusive; and

Whereas, twenty-two percent of the nation's unemployed have been out of work for more than six months; and

Whereas, in November 2003, long-term joblessness reached a 20-year high; and

Whereas, the average duration for unemployment in January increased to 19.8 weeks, and for 16 consecutive months the long-term unemployment rate has exceeded 20 weeks; and

Whereas, in January 2004, the nation's unemployment rate remained at 5.6% and the Pennsylvania unemployment rate was 5.3%; and

Whereas, the President and Congress originally approved TEUC compensation to provide assistance to unemployed workers who were unable to find jobs before exhausting their regular benefits and to stimulate the economy by injecting dollars directly into local communities; and

Whereas, according to the United States Department of Labor's Bureau of Labor Statistics, between January of 2001 and December of 2003, the loss of private sector jobs stood at 2.9 million nationally and totaled 220,000 in the Commonwealth of Pennsylvania; and

Whereas, across the nation more than 1 million unemployed workers are expected to exhaust their regular benefits in the first quarter of 2004; and

Whereas, in January, 17,050 Pennsylvanians reached the end of their eligibility for unemployment benefits but still could not find jobs; and

Whereas, job growth in the Commonwealth of Pennsylvania has trailed working-age population growth by three percentage points since the recession began and the prospects for employment of long-term unemployed individuals remain bleak; and

Whereas, employers in the Commonwealth of Pennsylvania will benefit from increased consumer demand pumped into the Commonwealth economy by unemployed workers if TEUC benefits are extended; Therefore, be it

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to extend and make retroactive the Federal TEUC program; and be it further

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

POM-531. A resolution adopted by the General Assembly of the State of New Jersey relative to Social Security disability and workers' compensation benefits; to the Committee on Finance.

ASSEMBLY RESOLUTION NO. 73

Whereas, the Social Security Act currently limits the total sum that a permanently, totally disabled worker may receive in federal Social Security disability benefits and state workers' compensation benefits combined to 80% of the worker's pre-injury income; and

Whereas, that act, because of amendments made in 1981 to 42 U.S.C. 424a (a), limits the sum of Social Security disability and workers' compensation benefits by requiring that if the sum of Social Security disability benefits and workers' compensation exceeds that 80% cap, the Social Security benefits must be reduced by the excess amount; and

Whereas, the stated purpose of those 1981 amendments was to prevent disabled workers from collecting the full amount of both Social Security disability benefits and workers' compensation, which in some cases had resulted in the workers receiving benefits of substantially greater value than the value of their previous wages; and

Whereas, rather than just preventing the combined total of Social Security and workers' compensation benefits for the disabled from exceeding the value of previous wages, the amendments, because they do not adjust the 80% cap for inflation, have instead had the effect, over time, of steadily reducing the real value of the combined Social Security and workers' compensation benefits to those injured workers; and

Whereas, with sustained, substantial inflation causing the Consumer Price Index to increase more than 30% during the last 10 years and more than 100% in the last 20 years, the failure to adjust the 80% cap often has a devastating impact on the real value of the benefits on which many disabled workers depend; and

Whereas, the fact that the Social Security Act provides for the annual adjustment of Social Security benefits, including disability benefits, for changes in the Consumer Price Index, suggests that an historic goal of the act is to prevent inflation from eroding the value of benefits, a goal that is undermined, in the case of disabled workers who receive both Social Security disability and workers' compensation benefits, by the failure of the 1981 amendments to provide for the adjustment of the 80% cap for changes in the Consumer Price Index: Now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey:*

1. This House urges Congress to amend the Social Security Act to provide that the calculation of the 80% limit on total combined Social Security and workers' compensation benefits for permanently and totally disabled workers under the act be based, not on the pre-injury earnings of the workers, but on those earnings adjusted for inflation which occurs after the injuries occur.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President and the Vice President of the United States, the Speaker of the United States House of Representatives, the Majority and Minority Leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from this State.

POM-532. A resolution adopted by the House of Representatives of the General Assembly of the State of Delaware relative to Falun Gong practitioners in China; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 86

Whereas, Falun Gong, also known as Falun Dafa, is a peaceful and nonviolent form of personal belief and practice with millions of adherents in the People's Republic of China and elsewhere; and

Whereas, the spiritual and meditative practice of Falun Gong is based on truthfulness, compassion and tolerance, which was taught in private for thousands of years before Mr. Li Hongzhi introduced the practice to the general public in China in 1992; and

Whereas, Falun Gong is practiced freely in more than 50 countries by tens of millions of people; and

Whereas, since July 1999, the government of the People's Republic of China has forbidden Falun Gong practitioners to practice their beliefs, and has systematically attempted to eradicate the practice and those who follow it; and

Whereas, this policy violates the Constitution of the People's Republic of China as well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights; and

Whereas, according to the Falun Dafa Information Center, hundreds of thousands of people have been arrested, detained, imprisoned, sent to labor camps, treated with cruelty, tortured, persecuted and in many cases killed by authorities in China in connection with their practice of Falun Gong; and

Whereas, also according to the Falun Dafa Information Center, women in particular have been the target of numerous forms of sexual violence, including rape, sexual assault, and forced abortion; and

Whereas, the brutal oppression of peaceful practitioners of Falun Gong is a blatant violation of human rights; and

Whereas, according to a December 1, 2002 article in the Philadelphia Inquirer Magazine, Jingfang Yang, who is the sister of Thomas Jefferson University Hospital psychiatrist Michael J. Yang, has been imprisoned since October 30, 2002; and

Whereas, several permanent United States residents and citizens have been affected by this oppression and have been subjected to arbitrary detention, imprisonment, and torture in the People's Republic of China; and

Whereas, Dr. Charles Li, a United States citizen, is among the detained practitioners who have been isolated from their families and loved ones; and

Whereas, on July 24, 2002 the United States House of Representatives passed House Concurrent Resolution 188 "Expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners"; and

Whereas, on March 3, 2004 the United States House of Representatives passed House Resolution 530, as amended, which was a general resolution "Urging the appropriate representative of the United States to the 60th Session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights violations in China" and specifically sought redress for the persecuted Falun Gong practitioners in China: Now, therefore, be it

*Resolved by the House of Representatives of the State of Delaware,* That it does hereby recognize the plight of practitioners of Falun Gong in China; and be it further

*Resolved,* that the United States Congress is urged to take all appropriate actions and to use all appropriate public and private forums to urge the Government of the People's Republic of China to release Falun Gong practitioners, to put an end to the practices of torture and other cruel, inhumane, and degrading treatment against them, and to

abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights by allowing Falun Gong practitioners to pursue their personal beliefs; and be it further

*Resolved,* that copies of this resolution be transmitted to the presiding officers of each house of the United States Congress, to each member of Delaware's Congressional Delegation, and to The Honorable Colin L. Powell, United States Secretary of State.

POM-533. A resolution adopted by the General Assembly of the State of New Jersey relative to the Mary Ann Collura Post Office Building; to the Committee on Governmental Affairs.

ASSEMBLY RESOLUTION NO. 167

Whereas, Mary Ann Collura became Fair Lawn's first female police officer in 1985; and Whereas, eighteen years later, on the night of April 17, 2003, Collura became the Fair Lawn Police Department's first officer killed in the line of duty; and

Whereas, Collura was shot twice on the lawn of a Fair Lawn church, where she had raced to assist a Clifton, New Jersey police officer who was trying to arrest three men following a car chase; and

Whereas, a multi-state manhunt ensued for the main suspect, who fled to Florida, where he was later found and killed in a shootout with police; and

Whereas, Collura was a popular street cop known for her sense of humor, her many commendations, her love of motorcycles and her devotion to the protection and care of her neighbors; and

Whereas, in 1999, Collura instituted a program to distribute glow sticks to children on Halloween so the children would be clearly visible to motorists; and

Whereas, as a trailblazer for female law enforcement officers in Bergen County, Collura was always available to hear the concerns and issues facing other female officers and she routinely obtained the names and numbers of new female officers from the county, welcomed them to their department, and offered advice and an open ear to them; and

Whereas, Collura was courageous, kind, concerned about the world and people around her, very highly regarded by her fellow officers and beloved by the people of Fair Lawn; and

Whereas, bills, cosponsored by all of the Members of the New Jersey Congressional delegation, have been introduced in the United States House and Senate to honor the life of Mary Ann Collura by re-designating the United States Postal Service located at 14-24 Abbott Road in Fair Lawn, New Jersey, and known as the Fair Lawn Main Post Office, as the Mary Ann Collura Post Office Building: Now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey:*

1. The General Assembly of the State of New Jersey memorializes the Congress of the United States to enact legislation redesignating the facility of the United States Postal Service located at 14-24 Abbott Road in Fair Lawn, New Jersey, as the Mary Ann Collura Post Office Building.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested to by the Clerk thereof, shall be presented to the President of the United States Senate, the Speaker of the United States House of Representatives and every Member of the Congress elected from this State.

PO-534. A joint resolution adopted by the General Assembly of the State of Colorado relative to financial assistance for children of migrant workers; to the Committee on Health, Education, Labor, and Pensions.

## HOUSE JOINT RESOLUTION 04-1064

Whereas, changes in the United States economy in recent years have added new and different types of jobs to those traditionally performed by migrant workers in the agricultural sector of the economy; and

Whereas, many of these new fields have developed in the service industries associated with growing economic activities such as tourism, gaming, and the needs of high technology; and

Whereas, in addition to the migrant workers that are so important to agriculture, migrant workers in these other emerging areas of our economy will be a vital part of the growth and expansion of these industries; and

Whereas, the educational needs of the children of all migrant workers should continue to be a major concern of the federal and state governments; and

Whereas, children of all types of migrant workers can suffer from performance problems in our public schools due to many factors, including the effects of attending multiple schools necessitated by the cyclical relocation needs of their parents; and

Whereas, these performance problems can be detrimental to the educational environment of our public schools if not addressed; and

Whereas, the educational needs of children of migrant workers affects many communities in Colorado; and

Whereas, the children of migrant workers should be eligible for migrant student educational assistance regardless of the industry in which the migrant parents work: Now, therefore, be it

*Resolved by the House of Representatives of the Sixty-fourth General Assembly of the State of Colorado, the Senate concurring herein:* That we, the members of the Sixty-fourth General Assembly, encourage the President of the United States and the United States Congress to take action to ensure that federal programs providing financial assistance for the educational needs of children of migrant workers include children of migrant workers in all sectors of our economy; be it further

*Resolved,* That copies of this Joint Resolution be transmitted to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to each member of Colorado's Congressional delegation.

POM-535. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Men's Health Act; to the Committee on Health, Education, Labor, and Pensions.

## HOUSE RESOLUTION NO. 744

Whereas, male morbidity and mortality from preventable causes is substantial, with significant and alarming disparities among subpopulations of men based on race, ethnicity and socioeconomic status; and

Whereas, a silent health crisis is affecting the health and well-being of American men; and

Whereas, this health crisis is of particular concern to men but is also a concern for women, especially those who have fathers, husbands, sons and brothers; and

Whereas, the National Center for Health Statistics has shown that men have higher age-adjusted death rates than women for each of the top ten leading causes of death in the United States; and

Whereas, men are almost twice as likely as women to die from heart disease, and the in-

cidence of stroke is more than 10% higher in men than in women; and

Whereas, men are 50% more likely to die from cancer than women; and

Whereas, the life expectancy gap between men and women has steadily increased from 1 year in 1920 to 5.5 years in 2000; and

Whereas, since women live longer and tend to marry older men, seven out of ten baby boom women will outlive their husbands, and many of these women can expect to be widows for more than 15 years; and

Whereas, older women are three times more likely than older men to be living alone, nearly twice as likely to reside in a nursing home and more than twice as likely to live in poverty; and

Whereas, more than half of the elderly widows now living in poverty were not poor before their husbands died; and

Whereas, studies show that health-related disparities between men and women are due in part to lack of awareness, poor health education and the low number of male-specific health programs; and

Whereas, men are half as likely as women to visit a doctor for regular checkups or to obtain preventative screening tests for serious diseases; and

Whereas, men's health is a concern for employers who lose productive employees and who pay the cost of medical care; and

Whereas, men's health is a concern for Federal and State Government and society, which absorb the enormous costs of premature death and disability, including the cost of caring for dependents; and

Whereas, every state has formed a commission to address women's issues or has established a women's health program, but only seven states have a commission to address men's issues or a men's health program; and

Whereas, educating men, their families and health care providers about the importance of early detection of male health problems can result in reducing mortality rates and improving the health of America's men and the economy: Therefore be it

*Resolved,* That the House of Representatives of the Commonwealth of Pennsylvania, recognizing that Government health networks can be utilized to promote men's health and well-being, encourage the Congress to support passage of the Men's Health Act to secure access and remove barriers to health care for men and their family members and urge passage of state legislation addressing men's health issues.

POM-536. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

## HOUSE RESOLUTION NO. 822

Whereas, on May 4, 2002, 14-year-old Christopher Kangas was struck and killed by a car while riding his bicycle in response to a fire in Brookhaven Borough, Delaware County, Pennsylvania, one block from the firehouse; and

Whereas, in the Commonwealth of Pennsylvania an individual may be a recognized firefighter in a local fire department with certain limitations on the kind of work that individual can perform at the scene of a fire and may be eligible for public safety officer benefits; and

Whereas, Christopher Kangas was a trained, regular firefighter who knew what he could and what he could not do at the scene; and

Whereas, Christopher Kangas was recognized by the Borough of Brookhaven and the Commonwealth of Pennsylvania as a firefighter; and

Whereas, after Christopher Kangas died, the Borough of Brookhaven and the Commonwealth of Pennsylvania gave him full honors and recognition as a fallen firefighter and the Commonwealth of Pennsylvania also provided full benefits to his family under the act of June 24, 1976 (P.L. 424, No. 101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, as a fallen firefighter; and

Whereas, the representative of the President of the United States to the Fire Service, United States Fire Administrator Dave Paulison, sent a letter of condolence to the family recognizing Christopher Kangas as a firefighter; and

Whereas, the Department of Justice which administers section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351, 42 U.S.C. §3796) has ruled for a second time that Christopher Kangas was not a public safety officer, despite the fact that the Commonwealth of Pennsylvania and the Brookhaven Fire Department legally maintained him on their rolls; and

Whereas, this ruling by the Department of Justice has denied his family the \$267,000 line-of-duty benefit and has denied Christopher Kangas his rightful place at the National Fallen Firefighters Memorial in Emmitsburg, Maryland, along side his fellow fallen heroes; and

Whereas, the Department of Justice ruling not only ignored the facts but also the letter and spirit of section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968, which Congress enacted to provide benefits to any firefighter serving as an officially recognized member of a legally organized fire department, regardless of age or type of activities: Therefore be it

*Resolved,* That the House of Representatives of the Commonwealth of Pennsylvania urge the President and Congress of the United States to enact H.R. 4472 which amends the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations, applicable to death or injuries which occurred on or after May 4, 2002; and be it further

*Resolved,* That a copy of this resolution be presented to the family of Christopher Kangas in recognition of his dedication to the Borough of Brookhaven and the Commonwealth of Pennsylvania as a firefighter; and be it further

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

POM-537. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the Pledge of Allegiance; to the Committee on the Judiciary.

## HOUSE CONCURRENT RESOLUTION NO. 96

Whereas, one of the founding principles of the United States of America was the free exercise of religion and religious beliefs; and

Whereas, the First Amendment to the Constitution of the United States declares that congress shall make no law establishing a religion or prohibiting the free exercise of religion; and

Whereas, the Louisiana Constitution of 1974, Article I, Section 8, similarly prohibits the enactment of law respecting an establishment of religion or prohibiting the free exercise of religion; and

Whereas, in celebrating the four hundredth anniversary of Christopher Columbus' discovery of America on October 11, 1892, the Pledge of Allegiance was written to honor the United States and to salute the flag; and

Whereas, the first words of the Pledge of Allegiance were published in September of 1892, in the Boston-based youth magazine, *The Youth's Companion*, and in less than one month, more than twelve million school children were reciting the words of the Pledge of Allegiance across the nation; and

Whereas, in June of 1942, the Pledge of Allegiance was officially sanctioned by the United States Congress when it was included in the United States Flag Code (Title 36), after almost fifty years of daily recitals in schools; and

Whereas, there have been four changes to the original Pledge of Allegiance, and the final change occurred on June 14, 1954 (Flag Day), when the words "under God" were added with the approval of President Dwight D. Eisenhower, who stated, "In his way we are reaffirming the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war"; and

Whereas, this display of symbolic patriotism contained in the words of the Pledge of Allegiance is more critical today than ever before in our nation's history and should be maintained; and

Whereas, the Pledge of Allegiance, including the phrase "one nation under God", reflects the historical fact that a belief in God permeated the founding and development of the United States of America: Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Supreme Court and the United States Congress to take all necessary measures to preserve the phrase "one nation under God" in the Pledge of Allegiance; be it further

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

POM-538. A resolution adopted by the House of Representatives of the Legislature of the State of Mississippi relative to judicial taxation; to the Committee on the Judiciary.

#### HOUSE RESOLUTION NO. 51

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has deviated from the intent of our Founding Fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by the way of statute, rule or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government, to reaffirm in no uncertain terms that the authority to tax under the Constitution of the

United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government who they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, the lawmakers of Alabama, Alaska, Arizona, Colorado, Delaware, Illinois, Kansas, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, Wyoming, Mariana Islands and Guam have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

Whereas, the amendment was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people against the peoples' wishes: Now, therefore, be it

*Resolved by the House of Representatives of the State of Mississippi:*

(1) That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or to order a state or political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes."

(2) That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States.

(3) That the House of Representatives of the State of Mississippi also proposes that the Legislatures of each of the several states comprising the United States that have not yet made a similar request, apply to the United States Congress requesting enactment of an appropriate amendment to the United States Constitution, and apply to the United States Congress to propose such an amendment to the United States Constitution; be it further

*Resolved*, That the Secretary of State of the State of Mississippi transmit copies of this resolution to the President and Vice President of the United States, the presiding officer in each house of the Legislature in each of the states in the Union, the Speaker of the United States House of Representatives and to each member of the State of Mississippi Congressional Delegation.

POM-539. A resolution adopted by the General Assembly of the State of New Jersey relative to small business loans; to the Committee on Small Business and Entrepreneurship.

#### ASSEMBLY RESOLUTION NO. 175

Whereas, the nation's economy is built on and draws its strength from the creativity and entrepreneurship of its people, and

Whereas, the nation's 25 million small businesses employ more than half of all private sector employees, pay 44.5 percent of the total United States private payroll, and generate 60 to 80 percent of all net new jobs annually; and

Whereas, the men and women who own and operate the nation's small businesses make a vital contribution to the nation's prosperity through their ongoing work to create new technologies, products, and services; and

Whereas, the Small Business Administration was officially established in 1953 and for over 50 years has played a vital role in ensuring that the door to the American dream is truly open to all entrepreneurs; and

Whereas, the mission and high calling of the Small Business Administration is to champion the interests of the nation's entrepreneurs for the benefit of all Americans; and

Whereas, President Bush's proposed budget for fiscal year 2005 would cut federal funding to the Small Business Administration by \$79 million and eliminate federal support for critical loan programs; and

Whereas, the proposed cuts would include the "7(a) loan program," which provides affordable capital to small business start-ups through public/private partnership and has directly provided over 2,000 small businesses in New Jersey with approximately \$451 million in loans; and

Whereas, the proposed cuts would also include the Microloan program, which allows entrepreneurs to secure loans of up to \$35,000, and provided 134 small businesses in New Jersey with \$2.6 million in loans: Now, therefore be it

*Resolved by the General Assembly of the State of New Jersey:*

1. This House urges the United States Congress to restore funding for the Small Business Administration loan programs eliminated under President Bush's proposed budget for fiscal year 2005.

2. A duly authenticated copy of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate and to all members of the New Jersey congressional delegation.

POM-540. A resolution adopted by the Board of Commissioners of Pitt County of the State of North Carolina relative to a tobacco buyout; to the Committee on Agriculture, Nutrition, and Forestry.

POM-541. A resolution adopted by the City Commission of the City of Lauderdale Lakes of the State of Florida relative to the effects of antifreeze chemistry; to the Committee on Environment and Public Works.

POM-542. A resolution adopted by the Board of Commissioners of the City of Millville of the State of New Jersey relative to pollution; to the Committee on Energy and Natural Resources.

POM-543. A joint resolution adopted by the Legislature of the State of California relative to pharmaceutical advertising; to the Committee on Environment and Public Works.

#### SENATE JOINT RESOLUTION NO. 24

Whereas, the United States is one of just a few countries that allow pharmaceutical companies to advertise their prescription drugs; and

Whereas, in 1997, the federal Food and Drug Administration relaxed restrictions on the content of direct-to-consumer prescription drug advertising, withdrawing the prior requirement for a summary of side-effect and adverse reaction information and replacing it with a requirement for a statement about "major risks" but not "all risks"; and

Whereas, the shorter "major risk" statement made television and radio advertisements about prescription drugs more practicable; and

Whereas, Pharmaceutical companies spent \$1.6 billion on direct-to-consumer television advertising in 2000, up from \$761 million in 1996; and

Whereas, while health care spending generally is expected to increase by an average of 7.9 percent per year between 1998 and 2010, exceeding the 5.2 percent annual growth of 1993 to 1998, total prescription drug expenditures will increase by 15 percent per year as early as 2004; and

Whereas, numerous studies have linked the increased direct-to-consumer advertising to the exponential growth in prescription drug expenditures; and

Whereas, surveys suggest that 50 percent of the public believes that direct-to-consumer advertisements of prescription drugs must be submitted to the government for prior approval, 43 percent believe that only "completely safe" drugs may be advertised directly to consumers, 22 percent believe that advertising of drugs with serious side effect has been banned, and 21 percent believe that only "extremely effective" drugs may be advertised directly to consumers, and yet, all of these beliefs are untrue; and

Whereas, consumers are placing pressure on their prescribers to prescribe these drugs, some cases, inappropriately; and

Whereas, in 1997, a study of family physicians revealed that 80 percent of them believed that direct-to-consumer advertising "was not a good idea"; and

Whereas, the federal Food and Drug Administration has begun review of the policy that unleashed an explosive growth of prescription drug advertising: Now, therefore, be it

*Resolved*, That the President and Congress of the United States and the United States Department of Health and Human Services are memorialized to recognize the problems caused by direct-to-consumer advertising of prescription drugs by pharmaceutical companies; and be it further

*Resolved*, That the United States Food and Drug Administration is requested to aggressively monitor and regulate direct-to-consumer advertising of prescription drugs by pharmaceutical companies, pending action by the President and the Congress of the United States to limit, ban, or place increased restrictions on that advertising; and be it further

*Resolved*, That the President and the Congress of the United States are memorialized to limit or ban direct-to-consumer advertising of prescription drugs by pharmaceutical companies, or, alternatively, to require that those advertisements do the following:

(1) Remind consumers that prescribers and pharmacists are the best sources of information about appropriate medical treatment and drug therapy.

(2) Explicitly state the success and failure rates of drugs and compare them with other common products or no treatment.

(3) Mention alternate treatments by name and class.

(4) Recommend that consumers ask their prescribers and pharmacists if a generic equivalent is available for their condition.

(5) Refer consumers to independent sources of drug information; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, the Speaker of the House of Representatives, the President pro Tempore of the Senate, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the United States Department of Health and Human Services, and the Director of the United States Food and Drug Administration.

POM-544. A resolution adopted by the Legislature of the State of California relative to federal environmental permit and review process streamlining; to the Committee on Environment and Public Works.

#### SENATE JOINT RESOLUTION NO. 30

Whereas, the State Office of Historic Preservation has the responsibility for processing approvals for federally funded transportation projects pursuant to Section 106 of the Na-

tional Historic Preservation Act (16 U.S.C. Sec. 470 et seq.) and Section 4(f) of the federal Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240); and

Whereas, the State Office of Historic Preservation has the smallest support staff of any office with a similar function in any other state in the nation, but California has the largest transportation program; and

Whereas, the federal Transportation Equity Act for the 21st Century (Public Law 105-178), also known as TEA-21, provided funding for additional staff for the State Office of Historic Preservation; and

Whereas, review delays at the State Office of Historic Preservation continue to be identified as a bottleneck in moving transportation projects through the environmental review phase; and

Whereas, lack of involvement of federal resource agencies in the transportation planning process has been identified as a cause for project delivery delays; Now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That California urges the President and Congress of the United States, the federal Secretary of Transportation, and the federal Department of Transportation to streamline the federal government review and permitting process by doing all of the following:

(a) Ensuring adequate funding for the State Office of Historic Preservation in California.

(b) Accelerating project delivery by developing a multiagency infrastructure team to be involved in the development of transportation projects from the early planning phase and continuing through the environmental permitting and construction phases. The multiagency team should include one or more representatives from each federal resource agency with decisionmaking and permit authority. Team members should commit to involvement in the early planning, environmental document preparation, permit review and issuance, and construction phases of a project. Resource agency representatives should be retained with transportation funds, and team members should be jointly selected by transportation and resource agencies. Transportation projects developed using the multiagency team approach would be expected to be completed within review deadlines outlined in the federal Endangered Species Act of 1973 and other relevant state and federal regulatory authorities; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the federal Secretary of Transportation.

POM-545. A resolution adopted by the House of Representatives of General Assembly of the Commonwealth of Pennsylvania relative to Centers for Medicaid and Medicare Services; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 753

Whereas, House Bill No. 297, Printer's No. 2623 (2003), which authorized the Department of Public Welfare of the Commonwealth of Pennsylvania to impose an assessment on nursing homes in exchange for an increase in Medicaid payment rates; was signed into law, Act 2003-25, on September 30, 2003; and

Whereas, the Centers for Medicare and Medicaid Services (CMS) has indicated that it will not approve Pennsylvania's September 2003 provider tax submission; and

Whereas, current Federal regulations clearly allow approval for the assessment as submitted; and

Whereas, the fiscal year 2003-2004 Pennsylvania State budget relies upon \$320 million in revenue generated through the provider assessment to help fund the Commonwealth's Medicaid budget; and

Whereas, Pennsylvania's nursing facilities are being paid rates that have not increased since April 2003 because of the impasse between the Commonwealth and CMS regarding approval of the nursing home assessment submission; and

Whereas, the delay is causing severe financial difficulties for providers struggling to make available necessary services for Pennsylvania's most vulnerable senior citizens; and

Whereas, there are few acceptable alternatives available if CMS does not approve Pennsylvania's September 2003 provider tax submission; and

Whereas, irreparable harm to some of Pennsylvania's most frail and vulnerable senior citizens could occur if this impasse remains unbroken; and

Whereas, it is the responsibility of the Federal and State Governments to develop long-term solutions to the problems of controlling escalating Medicaid budgets without calling on nursing homes and nursing home residents to fund Medicaid; Therefore, be it

*Resolved*, That the House Representatives of the Commonwealth of Pennsylvania urge CMS to approve the Commonwealth of Pennsylvania's application of September 2003, which would allow the Commonwealth to implement its assessment on Medicaid-participating nursing homes and provide the funding necessary to ensure quality care for Pennsylvania's vulnerable seniors; and be it further

*Resolved*, That the Governor urge Pennsylvania's congressional delegation to work with the Bush Administration and CMS to ensure approval of Pennsylvania's application of September 2003; and be it further

*Resolved*, That a copy of this resolution be transmitted to the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244-1850, and to each member of Congress from Pennsylvania.

POM-546. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the Australian Free Trade Agreement; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION NO. 195

Whereas, the Louisiana dairy industry yields nearly five hundred ten million pounds in total milk production with an economic impact of one hundred eighty-three million dollars; and

Whereas, thousands of Louisianians depend directly on the dairy industry for their livelihood; and

Whereas, there has been a fifty percent decline in the number of dairy farms, dairy cows, and total statewide milk production during the past ten years; and

Whereas, dairy industries in other states have also suffered declines in production due to the cost of milk production and lower federal minimum support prices; and

Whereas, recently the Bush administration and Australian trade representatives entered into the Australian Free Trade Agreement (AUSFTA); and

Whereas, although AUSFTA retains current over-quota tariffs, it still opens the door to milk protein concentrates and casein imports from Australia; and

Whereas, the surge in milk protein concentrates and casein imports has created a negative ripple effect economically for Louisiana dairy producers who have suffered because of reduced milk sales, lower prices, and a weakening of the dairy price support program; and

Whereas, milk protein concentrate and casein imports have ranged between eight hundred million and one billion pounds in the past six years, and the imported quantity of both continues to grow; and

Whereas, milk protein concentrates and casein imports are currently entering the country with no duty and no quota; and

Whereas, free trade agreements hurt the nations that unilaterally disarm themselves by opening their markets: Therefore, be it

*Resolved*, That the Louisiana Legislature does hereby memorialize congress to oppose the Australian Free Trade Agreement (AUFSTA) and other free trade agreements which are harmful to American dairy producers; be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-547. A resolution adopted by the General Court of the Commonwealth of Massachusetts relative to the Postal Service; to the Committee on Governmental Affairs.

POM-548. A resolution adopted by the Legislature of the State of California relative to vocational and technical education; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE JOINT RESOLUTION NO. 31

Whereas, the Carl D. Perkins Vocational and Technical Education Act of 1998 (Section 2301 of Title 20 of the United States Code) has been a significant source of funding for career and technical education programs in California's high schools, regional occupational centers and programs, adult education, and community colleges; and

Whereas, California's career and technical education programs educate approximately three million high school and adult students annually in state-of-the-art technology and advanced careers, preparing them to become productive, contributing citizens in a rapidly changing economy; and

Whereas, career and technical education is composed of rigorous, demanding coursework that enhances student academic achievement by applying core academic skills; and

Whereas, eighty-five percent of students who complete career and technical education programs go on to receive high school diplomas; and

Whereas, participation in these programs reduces dropout rates by approximately 35 percent; and

Whereas, the Carl D. Perkins Vocational and Technical Education Act of 1998 has supported professional development for career and technical educators; including, the integration of State Board of Education adopted academic standards into career and technical education courses, training in new and emerging technologies, and effective, research-based instructional strategies; and

Whereas, the Carl D. Perkins Vocational and Technical Education Act of 1998 has provided career development, support services, and job training to hundreds of thousands of students who have faced significant barriers to successfully transitioning from high school to careers or higher education; and

Whereas, the Carl D. Perkins Vocational and Technical Education Act of 1998 has greatly contributed to the development of California's workforce in high skill, high demand, and emerging career fields: Now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the California State Legislature urges the United States Congress to continue and fully fund the Carl

D. Perkins Vocational and Technical Education Act of 1998, and, without partisanship, endorses the Carl D. Perkins Vocational and Technical Education Act of 1998; and be it further

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

POM-549. A resolution adopted by the Society of Mayflower Descendants of the State of Rhode Island relative to its Resolution dated January 10, 2001; to the Committee on Indian Affairs.

POM-550. A resolution adopted by the State of Illinois relative to National Gymnastics Day in Illinois; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 2628. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes (Rept. No. 108-392).

S. 2657. A bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes (Rept. No. 108-393).

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 2815. A bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes (Rept. No. 108-394).

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 1217. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls (Rept. No. 108-395).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2645. A bill to amend the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting, and for other purposes (Rept. No. 108-396).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1438. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydro-power by the Grand Coulee Dam, and for other purposes (Rept. No. 108-397).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. FEINSTEIN (for herself, Mr. HAGEL, Mrs. BOXER, Mr. NELSON of Nebraska, Mr. INOUE, and Mr. AKAKA):

S. 2943. A bill to convert certain temporary judgeships to permanent judgeships, to create an additional judgeship for the district of Nebraska, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 2944. A bill to provide that no funds may be expended by the United States Trade Representative to negotiate data exclusivity provisions for certain pharmaceutical products; to the Committee on Finance.

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

S. 2945. A bill to permanently eliminate a procedure under which the Bureau of Alcohol, Tobacco, Firearms, and Explosives can waive prohibitions on the possession of firearms by convicted felons, drug offenders, and other disqualified individuals; to the Committee on the Judiciary.

By Mr. BAYH:

S. 2946. A bill to promote small business growth, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Mr. DURBIN):

S. 2947. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 2948. A bill to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Vermont; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself, Ms. COLLINS, Mr. LEAHY, Mr. DODD, Mr. REED, Mr. BIDEN, Mr. KENNEDY, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. SARBANES, Ms. SNOWE, Mr. SCHUMER, Mr. KOHL, Mr. CHAFEE, Mr. AKAKA, Mr. DORGAN, Ms. CANTWELL, and Mr. DASCHLE):

S. 2949. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to reauthorize the Act, and for other purposes; read the first time.

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

S. 2950. A bill to amend title XIX of the Social Security Act to prohibit payments to States under the medicaid program for redispensing prescription drugs; to the Committee on Finance.

By Mr. HATCH:

S. 2951. A bill to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes; to the Committee on Indian Affairs.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 2952. A bill to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization, to improve pipeline and hazardous materials transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. CHAFEE, and Mr. REID):

S. 2953. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Health Network, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.