

on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8445. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Rotax GmbH 914 F Series Reciprocating Engines" ((RIN2120-AA64)(2002-0320)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8446. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL600-2C10 Series Airplanes" ((RIN2120-AA64)(2002-0318)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8447. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 215 1A10 and CL 215 6B11 Series Airplanes" ((RIN2120-AA64)(2002-0327)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8448. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Teledyne Continental C-1215, C-145, O-300, IO-360, and LTSIO-520 A Series Engines" ((RIN2120-AA64)(2002-0326)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8449. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA330F, G, J, and AS332C, L, and L1 Helicopters" ((RIN2120-AA64)(2002-0325)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8450. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland GmbH Model BO-105A, 105 C2, 105 CB4, 105S, 105 CS-2, 105 CBS 2, 105 CBS 4, and 105LS A-1 Helicopters" ((RIN2120-AA64)(2002-0328)) received on July 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8451. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chester and Westwood, California)" (MM Docket No. 02-42) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8452. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mason, Texas)" (MM Docket No. 01-133) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8453. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fremont and Sunnyvale, California)" (MM Docket No. 01-322) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8454. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alberta, Virginia; Whitakers, North Carolina; Dinwiddie, Virginia; and Garysburg, North Carolina)" (MM Docket No. 00-245) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8455. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Memphis, Tennessee; Olive Branch and Horn Lake, Mississippi)" (MM Doc. No. 02-31) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8456. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Custer, Michigan)" (MM Docket No. 01-186) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8457. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Paducah, Texas; Paulden, Arizona)" (MM Doc. No. 01-156) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8458. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Parker, Arizona)" (MM Docket No. 01-69) received on July 29, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8459. A communication from the Secretary of the Federal Trade Commission, Bureau of Consumer Protection, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")—Dishwater Ranges" (RIN3084-AA74) received on July 31, 2002; to the Committee on Commerce, Science, and Transportation.

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-279. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to designating the September 11, 2001, United Airlines Flight 93 crash site in Somerset County, Pennsylvania, as a National Historic Battlefield; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION No. 455

Whereas, The 40 innocent civilian passengers and crew of United Airlines Flight 93 were viciously attacked by hostile foreign terrorists; and

Whereas, Suicide hijackers used the airliner as an instrument of terror and mass destruction against the people and property of the United States; and

Whereas, Certain passengers and crew, after communicating with loved ones and au-

thorities on the ground, heroically resisted the terrorists in an effort to regain control of United Airlines Flight 93; and

Whereas, The insurrection by these innocents and their ultimate sacrifice preempted further catastrophic destruction and loss of life on September 11, 2001; and

Whereas, Pennsylvania soil was again consecrated that day as our nation entered the war against terrorism; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania petition the Congress of the United States to enact legislation designating the September 11, 2001, United Airlines Flight 93 crash site in Somerset County, Pennsylvania, as a National Historic Battlefield; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each House of Congress, to the members of Congress from Pennsylvania and to Governor Mark S. Schweiker.

POM-280. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to Yucca Mountain, Nevada; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION No. 454

Whereas, In order to secure a safe and prosperous future for its citizens, the Commonwealth of Pennsylvania must maintain a broad portfolio of energy supply options to hedge against fuel price fluctuations, fuel shortages and import disruptions; and

Whereas, Pennsylvania's nine nuclear power reactors have proven to be reliable sources of electricity to Pennsylvania citizens and businesses, producing 36% of the electricity generated in the Commonwealth of Pennsylvania; and

Whereas, Nuclear power prevents the release of millions of tons of air pollutants and greenhouse gasses, thus being critical for compliance with air quality laws and regulations; and

Whereas, Congress enacted the Nuclear Waste Policy Act of 1982 and directed the Department of Energy to establish a program for the management of the nation's high-level waste, including used nuclear fuel, and for its permanent disposal in a deep geologic repository; and

Whereas, More than \$7 billion has been spent on scientific testing and studies of Yucca Mountain, Nevada, showing that the proposed site is an ideal repository to safely contain the nation's used nuclear fuel, with a capacity sufficient to meet all foreseeable storage needs; and

Whereas, Studies of Yucca Mountain have yielded the scientific information necessary for a decision by the United States Secretary of Energy that there are no technical or scientific issues to prevent Yucca Mountain from serving as a permanent repository and clearly support the recommendation by the Secretary to the President of the United States to proceed on licensing a permanent repository at Yucca Mountain; and

Whereas, Since 1983, consumers of electricity from the Commonwealth of Pennsylvania have committed nearly \$1.5 billion to the Federal Nuclear Waste Fund to finance site assessment and nuclear waste management; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge Congress to sustain the President's affirmative decision on Yucca Mountain's suitability as a permanent Federal repository for used nuclear fuel; and be it further

Resolved, That copies of this resolution be transmitted to the President and Vice President of the United States, to be Speaker of the United States House of Representatives, to each member of Congress from Pennsylvania and to the United States Secretary of Energy.

POM-281. A resolution adopted by the East Hampton Town Board, East Hampton, New York Relative to Millstone II nuclear power facility in Connecticut; to the Committee on Environment and Public Works.

POM-282. A resolution adopted by the Town Board of New Castle, New York relative to Indian Point Nuclear Power Station; to the Committee on Environment and Public Works.

POM-283. A resolution adopted by the Town Board of New Castle, New York relative to converting Indian Points II and III from nuclear energy to natural gas or other non-nuclear fuel; to the Committee on Environment and Public Works.

POM-284. A resolution adopted by the Town Board of New Castle, New York relative to Indian Point Power Station; to the Committee on Environment and Public Works.

POM-285. A Senate joint resolution adopted by the General Assembly of the State of Tennessee relative to the Y-12 National Security Complex in Oak Ridge, Tennessee; to the Committee on Armed Services.

Whereas, the Y-12 National Security Complex in Oak Ridge, Tennessee is a highly valuable resource to this state and the nation, performing work of a delicate nature with extreme precision and employing uniquely skilled and dedicated professionals who have committed themselves to important national security and scientific endeavors; and

Whereas, the Y-12 Plant, in conjunction with the Oak Ridge National Laboratory and other federal facilities in Oak Ridge, has developed into an economic development engine, spinning off new businesses and serving as a testing ground for new technologies; and

Whereas, the Work for Others Program has brought many federal contracts to Oak Ridge, allowing Y-12 employees to update and hone their skills while producing materials for the U.S. Department of Defense and the U.S. Navy, among others; and

Whereas, the nation's nuclear defense policy is dependent upon Y-12's ability to safely and securely maintain the stockpile of nuclear materials and to preserve the now fragile capabilities of the plant; and

Whereas, Y-12 employees have skills in the safe management and handling of nuclear materials that are unduplicated anywhere in the world; these skills have been gained over long periods of employment and training and must be passed on to a new generation of highly educated and skilled workers; and

Whereas, while the site managers have been able to restart many operations that had previously been suspended, the continued safe disarmament and storage of weapons being removed from the national nuclear stockpile depend upon Y-12's revitalization; and

Whereas, many of the facilities at the plant were built during the development of the Manhattan Project, and much of the equipment is more expensive to maintain than operate; the employees of the 21st century require advanced machinery; and

Whereas, modernizing facilities and equipment will better equip the plant's employees to meet and adjust to the demands of the 21st century and the U.S. Department of Energy, to attract more and different kinds of private-sector work, and to support and encourage new, private-sector economic development and scientific advancement; and

Whereas, the safety of Y-12's employees and the environmental security of the region depend on Y-12's having facilities that meet the current safety requirements of the federal government; Now, therefore,

Be it resolved by the Senate of the One Hundred Second General Assembly of the State of Tennessee, the House of Representatives Concurring, That this General Assembly hereby urges the United States Congress and the President of the United States to fully fund the facilities modernization of the Y-12 Plant in the Fiscal Year 2003 federal budget; and be it further

Resolved, That enrolled copies of this resolution be transmitted to the Honorable George W. Bush, President of the United States of America; the President and the Secretary of the United States Senate; the Speaker and the Clerk of the United States House of Representatives; and to each member of Tennessee's Congressional Delegation.

POM-286. A joint resolution adopted by the Assembly of the State of California relative to social health maintenance organizations; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 27

Whereas, Government spending for nursing homes, home health care, and prescription drugs is rising at a rate of almost 10 percent a year, faster than the overall medical health care inflation rate of 4.3 percent for November 2000; and

Whereas, the growth of long-term care expenditures, estimated at 2.6 percent nationally on an annual basis coupled with the growing number of older Americans, will significantly increase costs to the nation's Medicaid and Medicare programs; and

Whereas, innovative and cost-effective models of care are needed to address the needs of aging Americans; and

Whereas, in the federal Deficit Reduction Act of 1984, Congress mandated the social health maintenance organization (social HMO) demonstration, which has since benefited over 125,000 individuals; and

Whereas, the social HMO demonstration has been reinforced and expanded by Congress in 1987, 1990, 1993, 1997, and 1999; and

Whereas, the social HMO is a community-based approach to integrating acute and long-term care for older Americans; and

Whereas, the primary purpose of the social HMO is to finance, provide, and coordinate additional services as an extension of benefits covered by Medicare and Medicaid, thereby helping frail seniors live safely in their own homes and avoid costly skilled nursing home placement; and

Whereas, the social HMO targets individuals at risk for nursing home placement and chronic illnesses; and

Whereas, the social HMO supplements the standard benefits required of Medicare+Choice with essential benefits, including geriatric-specific case management, adult day care, personal care, homemaker services, nutrition support, and medication management; and

Whereas, sixty-eight percent of nursing home costs are financed by Medicaid, avoiding or delaying longer nursing home stays and directly saving federal and state funds, by reducing Medicaid nursing home expenditures; and

Whereas, California has 3.3 million residents aged 65 years and older, and is home to the largest elderly population in the country; and

Whereas, the number of California aged 60 years and older is projected to grow 154 percent over the next 40 years; and

Whereas, the fastest growing population group in California is aged 85 years and older; and

Whereas, only one social HMO exists in California, serving over 48,000 seniors, of which 10,300 are eligible for nursing home placement; and

Whereas, the Senior Care Action Network (SCAN), the only social HMO in California,

has been able to maintain these skilled nursing home-certifiable seniors in their own homes by providing home and community-based programs and services; and

Whereas, SCAN members are 53 percent less likely than their counterparts in other health care programs to have a long nursing home stay; and

Whereas, SCAN offers financial savings and security to older adults, their families, and taxpayers by alleviating anxiety about exhausting personal savings for long-term care by providing a benefit package that includes in-home services; and

Whereas, the permanency of the social HMO as a benefit option under the Medicare+Choice program will allow organizations like SCAN to provide comprehensive services to seniors anywhere in the nation; and

Whereas, the social HMO will serve as a national model of cost-effective care that provides older Americans with greater health, independence, and dignity; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby urges the President and Congress of the United States, the federal Department of Health and Human Services, and the Centers for Medicare and Medicaid Services to do all of the following:

(a) Affirm the intent of the social HMO program to provide services for frail and chronically ill seniors.

(b) Fully support the transition of the social HMO demonstration into a permanent benefit option as part of Medicare+Choice.

(c) Include Medicaid beneficiaries in the social HMO Medicare+Choice option.

(d) Allow the social HMO option to offer comprehensive services in addition to fundamental Medicare benefits.

(e) Approve and support a payment methodology needed for the advanced care for the nation's frail and chronically ill elderly; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the United States Secretary of Health and Human Services, the Administrator of the Centers for Medicare and Medicaid Services, and to each Senator and Representative from California in the Congress of the United States.

POM-287. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to asbestos; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 58

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, have attempted to set aside sufficient resources to compensate the victims with manifest injuries from exposure to asbestos; and

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

Whereas, the United States Supreme Court noted in *Ortiz v. Fibreboard Corp.*, 527 U.S.

815, 144 L Ed 2d 715, 110 S Ct 2295 (1999) and *Amchem Products, Inc. v. Windsor*, 521 U.S. 591, 138 L Ed 2d, 117 S Ct 2231 (1997) that federal and state courts have been inundated by an elephantine mass of asbestos cases that defies customary judicial administration and calls for national legislation; and

Whereas, as the United States Supreme Court noted in *Amchem*, the United States Judicial Conference Ad Hoc Committee on Asbestos Litigation in its report of March, 1991 specifically concluded that real reform to the asbestos-litigation problem required federal legislation creating a national asbestos dispute-resolution scheme and, as recommended by the Ad Hoc Committee, the Judicial Conference of the United States urged Congress to act: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize the United States Congress to enact legislation to ensure that deserving victims of asbestos exposure receive compensation for their injuries; 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-288. A resolution adopted by the Legislature of the State of Louisiana relative to constructing a long range economic development for Louisiana focused on the utility, communications, and transportation; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 62

Whereas, the recently completed 2002 First Extraordinary Session of the legislature focused on various improvements to spur economic development in Louisiana; and

Whereas, the special session successfully integrated the state's economic development blueprint, Vision: 2020, with the recent reorganization of the Department of Economic Development; and

Whereas, despite the many accomplishments of the special session, there remain many areas that should be examined to ensure continued economic development in the state; and

Whereas, there has been demonstrated a need to construct a long range, strategic plan for future economic development of the utility communication, and transportation industry in Louisiana; and

Whereas, it is necessary to blend this long range, strategic plan for future economic development of the utility, communication, and transportation industry into the state's overall economic development plan, Vision: 2020, along with federal initiatives in this area; and

Whereas, in order to accomplish this significant goal, it will be necessary to convene a summit meeting of the governor, the Louisiana congressional delegation, the president of the Senate, the speaker of the House of Representatives, the members of the Public Service Commission, and the secretary of the Department of Economic Development to coordinate a strategic plan for future economic development of the utility, communication, and transportation industry in Louisiana.

Therefore, be it resolved, That the Senate of Legislature of Louisiana hereby urges and requests the governor, the Louisiana congressional delegation, the president of the Senate, the speaker of the House of Representatives, the members of the Public Service Commission, and the secretary of the Department of Economic Development to convene a summit meeting to discuss a long range, strategic plan for future economic de-

velopment of the utility, communication, and transportation industry in Louisiana.

Be it further resolved, That a copy of this Resolution be transmitted to the governor, the Louisiana congressional delegation, the president of the Senate, the speaker of the House of Representatives, the members of the Public Service Commission, and the secretary of the Department of Economic Department.

POM-289. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the Delaware River Channel Deepening Project; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, The Delaware River has, since the inception of the Commonwealth of Pennsylvania, been a vital artery of commerce and trade; and

Whereas, It is the longstanding policy of the Commonwealth of Pennsylvania to encourage waterborne commerce and to support the development and competitiveness of the Port of Philadelphia; and

Whereas, It is essential that the Delaware River navigation channel be deepened to 45 feet in order to accommodate larger steamship vessels and future growth; and

Whereas, The United States Government, acting through the Congress of the United States and the Army Corps of Engineers, has authorized a public works project that will deepen the navigation channel of the Delaware River to 45 feet; and

Whereas, The Delaware River Channel Deepening Project is enthusiastically supported by every organization and labor union whose livelihood depends on a healthy and vibrant seaport; and

Whereas, It is essential that this extraordinarily important public works project proceed without interruption; Therefore be it

Resolved, (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania reaffirm its support for the Delaware River Channel Deepening Project and urge the Congress and the Army Corps of Engineers to take all necessary steps to assure its successful and prompt completion; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-290. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative natural gas; to the Committee on Finance.

RESOLUTION

Whereas, In 1979 total United States energy consumption increased steadily from the end of World War II, reaching 81 quadrillion Btu's (quads); and

Whereas, After the oil shocks of the 1970s, energy consumption declined to 73 quads by 1983; and

Whereas, Reasonably priced natural gas and other forms of energy played a crucial role in expanding our economy and will be critical for future economic growth; and

Whereas, The Gas Technology Institute (GTI) projects total energy demand growing to 118 quads annually during the next 15 years; and

Whereas, Natural gas currently provides approximately 23% of our nation's energy needs; and

Whereas, Gas use must increase continually to meet an expanding economy; and

Whereas, Increased use of natural gas can decrease our dependence on foreign energy, mitigate greenhouse emissions, improve our economy and provide consumers with a better quality of life; and

Whereas, Nonconventional gas resources currently provide about 26% of gas production in the United States; and

Whereas, Nonconventional resources such as tight gas sands, coalbed methane and Devonian shale, are technologically challenging and require support for economic production; and

Whereas, Although the country holds a large natural gas resource base, natural gas is being limited in its use by Federal and State regulations; and

Whereas, There are large resources of undeveloped nonconventional gas resources that remain too difficult to develop and will only be produced with ongoing incentives; and

Whereas, The current tax credit for producing fuel from a nonconventional source under section 29 of the Internal Revenue Code of 1986 will expire in 2002; and

Whereas, This expiration will disrupt the ongoing progress in developing nonconventional gas resources at a time when the gas consumer, United States economy and our environment need these resources most; and

Whereas, The only short-term solution that reduces costs and avoids switching to less desirable energy resources is to increase the natural gas supply; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge Congress to take all the necessary steps to extend the tax credit under section 29 of the Internal Revenue Code of 1986 to continue to provide for a reliable, fair-priced supply of natural gas to United States gas consumers; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officer of each house of Congress, to each member of Congress from Pennsylvania, to the Finance Committee of the United States Senate and to the Ways and Means Committee of the United States House of Representatives.

POM-291. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the Fair Credit Reporting Act; to the Committee on Banking, Housing, and Urban Affairs.

RESOLUTION

Whereas, Identity theft is the fastest-growing crime in the United States, expanding at a rate of 50% per year; and

Whereas, Every 79 seconds an identity is stolen; and

Whereas, Approximately one out of every five Americans or a member of the family has been victimized by identity theft; and

Whereas, Every year more than 400,000 Americans are robbed of their identities and suffer losses of more than \$2 billion; and

Whereas, More than 1,000 people a day in the United States fall victim to crimes of stolen identity; and

Whereas, Victims spend anywhere from six months to two years recovering from identity theft; and

Whereas, On average, victims spend 175 hours and \$808 in out-of-pocket expenses to clear their names; and

Whereas, Experts report that most victims do not realize that a theft has occurred for months or years afterward; and

Whereas, To protect consumer privacy, the Congress of the United States enacted the Fair Credit Reporting Act (FCRA); and

Whereas, The FCRA requires all credit reporting agencies to maintain reasonable procedures designed to assure maximum possible accuracy of the information contained in credit reports; and

Whereas, A private right of action allows injured consumers to recover any actual damages caused by negligent violations and both actual and punitive damages for willful noncompliance; and

Whereas, The Supreme Court ruled unanimously in *TRW, Inc. v. Andrews* that the two-year deadline to sue companies which collect or spread bad information begins when the credit agency reports erroneous information and not when the victim discovers the fraud; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to amend the Fair Credit Reporting Act to permit victims of identity theft to bring suit any time within two years of the victim's discovery of the fraud; and be it further

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

POM-292. A Senate concurrent resolution adopted by the Legislature of the State of Michigan relative to Federal Forest Lands; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION No. 53

Whereas, In recent years, our country has benefited from public policy encouraging the states to assume responsibility for tasks long handled by the federal government. Experts in many fields have come to accept the wisdom of utilizing state expertise and resources to deal with problems that are best addressed locally rather than from Washington, D.C.; and

Whereas, The management of public forest lands is another area that should be turned over to states through a program of block grants, Michigan, with more public forests than any other state in the eastern portion of the country, has compiled an impressive record of success in the management of its resources. The conditions of Michigan's state forest acreage is a model for other parts of the country; and

Whereas, There are several sound reasons why forest management would be more efficiently and productively managed by the state instead of the federal government. State management offers flexibility, rather than a "one size fits all" approach; shorter lines of communication; better communication within local regions; and generally lower overall costs. State control over forest operations in Michigan will more accurately reflect our citizens' historic sense of commitment and investment in this vitally important resource; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to turn over the management of federal lands to the states through a block grant program; 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 members of the Michigan congressional delegation.

POM-293. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Pledge of Allegiance; to the Committee on the Judiciary.

SENATE RESOLUTION No. 241

Whereas, The 9th U.S. Circuit Court of Appeals ruled it is unconstitutional to recite the Pledge of Allegiance in a public school; and

Whereas, The Pledge of Allegiance is not an oath or pledge of allegiance to a person, power, or potentate but to the principles that serve as the foundation of a free republic; and

Whereas, The Pledge of Allegiance is not an oath or pledge to any god, deity, or spirit,

but rather it recognizes that those who govern do not receive their authority from a monarch. Instead, a god, deity, or spirit has bestowed on every citizen of the United States of America the inherent worth and dignity embodied in and protected by the Constitution and the Bill of Rights of the United States of America; and

Whereas, The Pledge of Allegiance recognizes that we are one nation of diverse and unique peoples within fifty separate states undivided in our dedication to the principles of freedom, liberty, and justice; and

Whereas, The Pledge of Allegiance reiterates the guarantees of liberty and justice mandated by the Bill of Rights; and

Whereas, The flag of the United States of America is a representation of the rights guaranteed by the Constitution and the Bill of Rights, as well as the free people who willingly sacrificed their lives and their freedoms to protect and preserve those freedoms; and

Whereas, The Pledge of Allegiance teaches students to cherish, preserve, and protect the republic dedicated to the preservation of freedom, liberty, and justice; now, therefore, be it

Resolved by the Senate, That the people of the state of Michigan, acting through the Senate, do hereby call upon the United States Supreme Court to overturn the 9th U.S. Circuit Court of Appeals decision to ban the recital of the Pledge of Allegiance in public schools; and be it further

Resolved, That copies of this resolution be transmitted to the justices of the United States Supreme Court, the President of the United States, and the members of the Congress of the United States.

POM-294. A joint resolution adopted by the Assembly of the State of California relative to pancreatic cancer; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION No. 28

Whereas, Approximately 29,000 new cases of pancreatic cancer were diagnosed nationwide in 2001; and

Whereas, An estimated 28,000 people died from pancreatic cancer during 2001, representing more than 5 percent of all cancer deaths in the United States; and

Whereas, The average life expectancy after diagnosis with metastatic disease is just three to six months; and

Whereas, About 85 percent of pancreatic cancer victims die within a year of diagnosis, and less than 5 percent survive as long as five years; and

Whereas, The 99-percent mortality rate for pancreatic cancer is the highest of any cancer; and

Whereas, Pancreatic cancer ranks as the fourth most common cause of cancer death among men and women; and

Whereas, There is currently no physiological marker or screening test that permits early diagnosis of pancreatic cancer; and

Whereas, Pancreatic cancer is among the most aggressive of all cancers, but study of the disease has attracted comparatively little funding; and

Whereas, According to the National Cancer Institute, pancreatic cancer received approximately \$20 million in federal research funding, roughly 7 percent of the funding level per fatality of that of breast cancer; and

Whereas, There is a critical need to support research that identifies new methods of detecting and treating pancreatic cancer; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California urges the

President and Congress of the United States to expand federally funded research efforts aimed at developing a reliable means of detecting pancreatic cancer in its early stages, when the disease is more effectively treatable; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the directors of the National Institutes of Health and the National Cancer Institute.

POM-295. A resolution adopted by the House of the Legislature of the State of New Hampshire relative to developing a national missile defense system; to the Committee on Armed Services.

HOUSE RESOLUTION No. 21

Whereas, New Hampshire is located in the New England region of the northeastern United States and is populated by over 1,200,000 persons, and maintains distinguished centers of higher learning, and is the site of advanced information and defense technology, and is noted for outstanding natural endowments of forests, mountains, and lakes, and derives considerable electrical power from nuclear energy; and

Whereas, the people of New Hampshire are conscious of the state's assets and favorable future development for their children and future generations; and

Whereas, New Hampshire responded to the call at Bunker Hill with volunteers in the struggle for American independence and has contributed to national defense through its citizenry ever since; and

Whereas, the people of New Hampshire are aware of the global proliferation of ballistic missiles and weapons of mass destruction and their threat to our nation, our allies, and our armed forces abroad; and

Whereas, the United States does not possess a robust and effective defense against ballistic missiles bearing weapons of mass destruction, launched by anyone who opposes American ideals, interests, and influence throughout the world; and

Whereas, New Hampshire, the United States, and the international community are increasingly imperiled by the global proliferation of ballistic missiles and weapons of mass destruction and cannot defend against a hostile or accidental ballistic missiles and weapons of mass destruction and cannot defend against a hostile or accidental ballistic missile attack; in consequence, New Hampshire asserts its leadership as one of 50; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives hereby urges the President of the United States to take all actions necessary, within the limits of the considerable technological prowess of this great union, to protect our nation, our allies, and our armed forces abroad from the threat of missile attack; and

That the New Hampshire house of representatives hereby urges the President to allow the United States the freedom to defend itself, its allies, and its armed forces abroad from ballistic missile attack, treaties and other agreements to the contrary notwithstanding; and

That the New Hampshire house of representatives hereby conveys to the President and Congress that effective national missile defense will require a robust and multi-layered architecture consisting of integrated land-based, sea-based, and/or space-based assets designated to deter future threats whenever possible and meet them whenever necessary; and

That copies of this resolution shall be sent by the house clerk to the New Hampshire congressional delegation, the Speaker of the United States House of Representatives, the President of the United States Senate, the Chairman of the Joint Chiefs of Staff, and the President of the United States.

POM-296. A House joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the Solid Waste Interstate Transportation Act of 2001; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 181

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

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

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

Whereas, an increase in the number of garbage trucks on its roads and an increase in the number of garbage barges on its rivers resulting from the importation of significant amounts of municipal solid waste from other states has created many short-term environmental problems for Virginia; and

Whereas, the importation of significant amounts of municipal solid waste from other states also may create serious long-term environmental problems for Virginia; and

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

Whereas, the Commerce Clause of the United States Constitution and the interpretation and application of the Commerce Clause by the United States Supreme Court and other federal courts with respect to interstate solid waste transportation has left Virginia and other states with limited alternatives in regulating, limiting or prohibiting the importation of municipal solid waste; and

Whereas, it is the belief of the General Assembly of Virginia that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring: That the Congress of the United States be urged to enact the Solid Waste Interstate Transportation Act of 2001 (HR 1213) incorporating amendments proposed by the Congresswoman representing Virginia's First Congressional District to give local and state governments, including Virginia, additional specific authority to regulate the importation of municipal solid waste into their jurisdictions; and, be it

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

POM-297. A resolution adopted by the House of Delegates of the General Assembly

of the Commonwealth of Virginia to Veterans' Day; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 18

Whereas, the National Commission on Federal Election Reform suggested in its report to the President the possibility of moving the observance of Veterans Day to the second Tuesday in November in even-numbered years so that elections could be conducted on a national holiday; and

Whereas, Veterans Day, November 11th, formerly called Armistice Day, is the time when Americans unite to recognize the sacrifices and service of past and present members of the United States military; and

Whereas, the holiday was established as Armistice Day in 1926 to commemorate the November 11, 1918, armistice that ended hostilities in World War I; and

Whereas, in 1954 the name of the holiday was changed to Veterans Day to honor all men and women who have served America in its armed forces; and

Whereas, Veterans Day and the ceremonies nationwide to observe it are important to the millions of Americans who take the time each November 11th to honor their fellow citizens who have served their country; and

Whereas, the American Legion, at its 83rd National Convention in August 2001, expressed, by resolution, its opposition to any change of the date for observing Veterans Day; now, therefore, be it

Resolved by the House of Delegates, That the President and the Congress of the United States be urged to oppose efforts to move the observance of Veterans Day from November 11th; and, be it

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

POM-298. A resolution adopted by the House of Delegates of the General Assembly of the Commonwealth of Virginia relative to Medicare and oral anti-cancer drugs; to the Committee on Finance.

HOUSE RESOLUTION NO. 19

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

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

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

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

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

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

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

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

Resolved by the House of Delegates, That the Congress of the United States be urged to enact legislation requiring Medicare to cover all oral anti-cancer drugs; and, be it

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

POM-299. A resolution adopted by the House of Delegates of the General Assembly of the Commonwealth of Virginia relative to the Transportation Equity Act for the 21st Century; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 21

Whereas, the Transportation Equity Act for the 21st Century (TEA-21), will expire on September 30, 2003; and

Whereas, the six-year federal authorization legislation provides guidelines, budget allocation formulas, and maximum budget limits for transportation spending; and

Whereas, TEA-21 provided for new budget categories to be established for highway and transit spending, effectively establishing a budgetary "firewall" between each of these programs and all other domestic discretionary programs to ensure that transportation trust funds can be used only for transportation spending; and

Whereas, authorizations for federal-aid highway and highway safety construction programs funded from the Highway Account of the Highway Trust Fund will be increased or decreased whenever the highway firewall amount is adjusted to reflect changed estimates of Highway Account revenue, that is, the budget authority will be aligned with the revenue; and

Whereas, this Revenue, Aligned Budget Authority has resulted in increased federal transportation funding to Virginia since FY 2000; and

Whereas, during the last reauthorization (TEA-21), Virginia was successful in increasing its return on contributions to the federal transportation trust fund from approximately 79 percent to 90.5 percent; and

Whereas, Virginia's current federal return rate of 90.5 percent is the lowest return level from the federal transportation trust fund in the nation; and

Whereas, Virginia taxpayers continue to subsidize other states' transportation programs through Virginia's low rate of return on contributions to the federal transportation trust fund; and

Whereas, the proposed reauthorization of federal aid for surface transportation programs provides an ideal opportunity to ensure that future methods of apportioning federal transportation funds are equitable and fair; and

Whereas, adequate support for the National Highway System (NHS) is necessary to provide consistent mobility and economic

benefits for all states throughout the nation, and to ensure that Virginia's citizens are able to connect with other citizens throughout the nation; and

Whereas, adequate support for the National Highway System and other transportation systems in Virginia is equally essential to the numerous and sizable U.S. military bases and other facilities that are located within the Commonwealth, for which an adequate and efficient transportation system is critical to effectively and promptly distribute, supply, and deploy military assets to meet and respond to the imperatives of national defense; and

Whereas, a streamlined transportation program is needed to provide flexible funding to allow states and their local partners to respond to specific state and local needs; and

Whereas, Congress directed the U.S. Department of Transportation in the TEA-21 legislation of 1998 to implement significant environmental regulatory streamlining so that transportation projects could receive federal review and approval in an expedited manner; and

Whereas, the federal review and approval process for transportation projects has not been shortened despite the environmental streamlining mandate of TEA-21; now, therefore, be it

Resolved by the House of Delegates. That the Congress of the United States be urged to reauthorize the Transportation Equity Act for the 21st Century, provide for increased equity in the distribution of federal highway funds to the states, and reduce complexity of and time required for compliance with federal environmental regulations related to highway construction. In reauthorizing the federal surface transportation program, the Congress is also urged to provide fair and equitable distribution of highway funds to states and increase the return to the Commonwealth to at least the national average, ensure that firewalls between the Transportation Trust Fund and other federal spending be maintained, continue Revenue Aligned Budget Authority, and meaningfully streamline federal environmental and other regulations to expedite project review and highway construction; and, be it

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

POM-300. A resolution adopted by the House of Delegates of the General Assembly of the Commonwealth of Virginia relative to expanding the use of federal historic preservation tax credits to qualified owner-occupied structures; to the Committee on Finance.

HOUSE RESOLUTION NO. 22

Whereas, the Federal Historic Preservation Tax Credit Program currently provides federal income tax incentives for rehabilitation of historic income-producing properties; and

Whereas, legislation currently pending in the United States Congress will expand the program by providing a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; and

Whereas, passage of the pending legislation could have many beneficial effects in Virginia, including encouraging additional protection of historic buildings, returning underutilized buildings to local tax rolls, and providing a boost to efforts to improve older neighborhoods; now, therefore, be it

Resolved by the House of Delegates, That the Congress of the United States be urged to expand use of federal historic preservation tax credits to qualified owner-occupied structures; and, be it

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

POM-301. A House joint resolution adopted by the General Assembly of the State of Illinois relative to inland waterway transportation; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 54

Whereas, the State of Illinois borders or contains over 1,000 miles of the inland waterway system; and

Whereas, Many of Illinois' locks and dams are more than 60 years old and only 600 feet long, making them unable to accommodate modern barge tows of 1,200 feet long, nearly tripling locking times and causing lengthy delays and ultimately increasing shipping costs; and

Whereas, The use of 1,200-foot locks has been proven nationwide as the best method of improving efficiency, reducing congestion, and modernizing the inland waterways; and

Whereas, The construction of the lock and dam system has spurred economic growth and a higher standard of living in the Mississippi and Illinois river basin, and today supplies more than 300,000,000 tons of the nation's cargo, supporting more than 400,000 jobs, including 90,000 in manufacturing; and

Whereas, More than 60% of American agricultural exports, including, corn, wheat, and soybeans, are shipped down the Mississippi and Illinois rivers on the way to foreign markets; and

Whereas, Illinois farmers, producers, and consumers rely on efficient transportation to remain competitive in a global economy, and efficiencies in river transport offset higher production costs, compared to those incurred by foreign competitors; and

Whereas, The Upper Mississippi and Illinois lock and dam system saves our nation more than \$1,500,000,000 in higher transportation costs each year, and failing to construct 1,200-foot locks will cause farmers to use more expensive alternative modes of transportation, including trucks and trains; and

Whereas, According to the U.S. Army Corps of Engineers, congestion along the Upper Mississippi and Illinois Rivers is costing Illinois and other producers and consumers in the basin \$98,000,000 per year in higher transportation costs; and

Whereas, River transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35% to 60% fewer pollutants than either trucks or trains, according to the U.S. EPA; and

Whereas, Moving away from river transport would add millions of trucks and rail cars to our nation's infrastructure, adding air pollution, traffic congestion, and greater wear and tear on highways; and

Whereas, Backwater lakes created by the lock and dam system provide breeding grounds for migratory waterfowl and fish; and

Whereas, The lakes and 500 miles of wildlife refuge also support a \$1,000,000,000-a-year recreational industry, including hunting, fishing, and tourism jobs; and

Whereas, Upgrading the system of locks and dams on the Upper Mississippi and Illi-

nois rivers will provide 3,000 construction and related jobs over a 15-20 year period; and

Whereas, In 1999 Illinois was the leading shipping state, with more than 66,000,000 tons of Illinois products, including grain, coal, chemicals, aggregates, and other products, representing a value of more than \$8,000,000,000; and

Whereas, 109,000,000 tons of commodities including grain, coal, chemicals, aggregates, and other products were shipped to, from, and within Illinois by barge, representing \$16,000,000,000 in value; and

Whereas, An additional 136,000,000 tons of commodities pass Illinois' borders on the Mississippi and Ohio rivers, representing a value of more than \$43,000,000,000; and

Whereas, Shippers moving by barge in Illinois realized a savings of approximately \$1,000,000,000, compared to other transportation modes; and

Whereas, Illinois docks shipped products by barge to 20 states and received products from 18 states; and

Whereas, Barges moving to and from Lake Michigan use the O'Brien Lock, with the Chicago Lock passing over 36,000 recreation vessels and over 410,00 passengers on over 13,000 commercial passenger vessels; and

Whereas, There are approximately 364 manufacturing facilities, terminals, and docks on the waterways of Illinois, representing thousand of jobs in the State; therefore be it

Resolved by the House of Representatives of the Ninety-Second General Assembly of the State of Illinois, the Senate concurring herein, That we recognize the importance of inland waterway transportation to Illinois agriculture and to industry in the State, the region, and the nation, and that we urge Congress to authorize funding to construct 1,200-foot locks on the Upper Mississippi and Illinois River System; and be it further

Resolved, That suitable copies of this Resolution be delivered to the President Pro Tempore and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the Chair of the Senate Committee on Commerce, Science, and Transportation, the Chair of the House Committee on Transportation and Infrastructure, and to the Illinois congressional delegation.

POM-302. A concurrent resolution adopted by the Legislature of the State of Oklahoma relative to the United States Trade Representative preserve the traditional powers of state and local governments while negotiating international investment agreements; and directing distribution; to the Committee on Finance.

RESOLUTION NO. 71

Whereas, the United States government, through the United States Trade Representative, is negotiating to create or interpret investment agreements under the proposed Free Trade Area of the Americas (FTAA), bilateral agreements such as the United States-Chile agreement, the investment chapter of the North American Free Trade Agreement (NAFTA), and potentially under the World Trade Organization (WTO); and

Whereas, investment agreements affect state and local powers, including, but not limited to, zoning, protection of ground water and other natural resources, corporate ownership of land and casinos, law enforcement by courts, public services, and sovereign immunity; and

Whereas, investment rules under these agreements deviate from United States legal precedents on taking law and deference to legislative determination on protecting the public interest; and

Whereas, investment rules do not safeguard any category of law from investor

complaints including, but not limited to, laws passed in the interest of protecting human or animal health, environmental resources, human rights, and labor rights; and

Whereas, foreign investors have used the provisions of NAFTA's investment chapter to challenge core powers of state and local government including, but not limited to, regulatory power to protect ground water in California; the power of civil juries to use punitive damages to deter corporate fraud in Mississippi; the ability of states to invoke sovereign immunity in Massachusetts; and a decision by local government to deny a zoning permit for construction of a hazardous waste dump in Guadalupe, Mexico; and

Whereas, serious concerns about international investment agreements have been expressed by national government associations, including the National Conference of State Legislatures (NCSL), which urged federal trade negotiators not to commit the United States to further investor-to-state dispute provisions such as those pending under NAFTA, and the National League of Cities, which has expressed concern that expansion of investment rules could undermine the successful effort by state and local governments to defeat legislation to expand compensation for takings in the 104th Congress.

Now, therefore, be it resolved by the Senate of the 2nd session of the 48th Oklahoma Legislature, the House of Representatives concurring therein:

That the Oklahoma State Legislature respectfully memorializes the President and Congress of the United States that the United States Trade Representative: preserve the traditional powers of state and local governments by requiring that negotiators of international investment agreements carve out state and local governments from the scope of future investment agreements or exclude investor-to-state disputes from investment agreements; ensure that international investment rules do not give greater rights to foreign investors than United States investors enjoy under the United States Constitution; ensure that international investment rules do not undermine traditional police powers of state and local governments to protect public health, conserve environmental resources, and regulate fair compensation; ensure that all proceedings are open to the public and that all submissions, findings, and decisions are promptly made public, consistent with the need to protect classified information, and that amicus briefs will be accepted and considered by investment tribunals; and provide that an investor's claim against its host government, must consent to the investor's claim against its host government, if investor-to-state disputes are retained.

That a copy of this resolution be distributed to the President and Vice President of the United States, to the United States Trade Representative, to members of Oklahoma's Congressional Delegation, and to the National Conference of State Legislatures (NCSL).

POM-303. A Senate concurrent resolution adopted by the Legislature of the State of Kansas relative to the establishment of a national holiday; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 1620

Whereas, Cesar Chavez, founder of the United Farm Workers of America, AFL-CIO, dedicated his life to the cause of justice for farm workers. Through his dedication, Cesar Chavez built not only a union but a movement of all races to continue the endless struggle to fight for workers' rights, civil rights and human rights; and

Whereas, Cesar Chavez was a role model for all workers, especially for Latinos and their children; and

Whereas, Cesar Chavez taught us to use power in the nonviolent manner and to employ this principle to secure justice for all workers in the labor movement; and

Whereas, His death on April 23, 1993 brought the Latino community together to continue his struggle to obtain justice and to secure a better life by organizing unions at the workplace; and

Whereas, A resolution is pending in the United States Congress to establish a national holiday in memory of Cesar Chavez: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we urge the adoption of the United States House of Representatives Concurrent Resolution No. 3 providing for a national holiday honoring Cesar Chavez and that this holiday be celebrated on Cesar Chavez's birthday, March 31; and

Be it further resolved: That the Secretary of State send enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas congressional delegation.

POM-304. A resolution adopted by the House of the Legislature of the State of New Hampshire relative to the Pledge of Allegiance; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 26

Whereas, on June 26, 2002, the United States Court of Appeals for the Ninth Circuit ruled the recitation of the pledge of allegiance in public schools to be an unconstitutional endorsement of religion in violation of the First Amendment to the United States Constitution; and

Whereas, the state of New Hampshire denounces the ruling of the Ninth Circuit; and

Whereas, the state of New Hampshire affirms the importance of the pledge of allegiance in honoring those citizens who have fallen in defense of our country; and

Whereas, the state of New Hampshire affirms the importance of the pledge of allegiance in the education of the youth of our country; and

Whereas, the state of New Hampshire reaffirms the right to recite the pledge of allegiance as an exercise of free speech protected under the First Amendment to the United States Constitution; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives strongly disagrees with the ruling of the United States Court of Appeals for the Ninth Circuit; and

That the New Hampshire house of representatives reaffirms the right to recite the pledge of allegiance as an exercise of free speech protected under the First Amendment to the United States Constitution; and

That copies of this resolution be forwarded to the President of the United States; the Speaker of the United States House of Representatives; the President of the United States Senate; the Justices of the United States Supreme Court, and the members of the New Hampshire congressional delegation.

POM-305. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Pledge of Allegiance; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 242

Whereas, The decision of the Ninth United States Circuit Court of Appeals that the Pledge of Allegiance to the American flag is unconstitutional is an egregious error that cannot be allowed to stand as our law. In

this time of war, especially, we are shocked that an expression of devotion and loyalty to our nation's flag and all it represents should be suppressed by a three-judge panel of the most reversed United States Court of Appeals; and

Whereas, The Ninth Circuit's ruling that the words "under God" somehow represent the establishment of an official state church in violation of the Establishment Clause of the United States Constitution is ludicrous. No state church has been established in the nearly five decades since those words were added to the Pledge of Allegiance. The freedom to believe and practice any religion, or to believe and practice no religion at all, is an ingrained part of our society. The purportedly terrible impact of reciting "under God" in our Pledge of Allegiance, should a person choose to do so, has not and will not happen; and

Whereas, Should the Ninth Circuit fail to correct this ruling, the United States Supreme Court should reverse this ruling as a gross misinterpretation of our Constitution and astounding lack of common sense. Our flag unites us, regardless of our heritage. Our Pledge of Allegiance to our flag, which represents all the freedoms we cherish and defend, must be preserved; now, therefore, be it

Resolved by the Senate, That we condemn the decision of the Ninth United States Circuit Court of Appeals that ruled that the Pledge of Allegiance is unconstitutional; and be it further

Resolved, That copies of this resolution be transmitted to the judges of the Ninth United States Circuit Court of Appeals, the justices of the United States Supreme Court, 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-306. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to designating October 2002 as Respect Month and October 30, 2002, as Respect Your Neighborhood Day; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 244

Whereas, For over ten years, the state of Michigan has recognized October as Respect Month, a time for adults with influence over young people to talk with them about respect; and

Whereas, The state of Michigan has proclaimed October 30 as Respect Your Neighborhood Day, a time for people of all ages to launch projects that encourage respect for one another and serve their communities as a whole; and

Whereas, this has led young people to participate in such projects including the clean up of vacant lots and helping senior citizens; and

Whereas, In 1998, the City Councils of Detroit and Highland Park voted to make Respect Month and Respect Your Neighborhood Day permanent occasions in their cities and to request the President and the Congress of the United States to proclaim such occasions on a national level; and

Whereas, In 1999, the Highland Park School Board made a similar request; and

Whereas, Encouraging adults to help create an atmosphere of respect may avert tragedies and save lives. The recent horrors on September 11, 2001, and the shootings in schools like Columbine are prime examples of why prevention is crucial; and

Whereas, Such tragedies demonstrate why it is imperative that adults with influence over children communicate basic tenets of respect and demonstrate ways in which serving our communities can help maintain the dignity of all members of society; and

Whereas, Respect Month will function as a time to positively model respect, promote respect, and encourage youth and their peers to do the same for each other, their communities, and mankind; and

Whereas, Adults who can have an impact on children by putting an emphasis on the meaning of and the need for respect in society are invaluable to this cause, and character education brings about a greater respect and appreciation for all. The meaning of respect is ascertained during childhood, and the exhibiting of respect by adults is of great importance; and

Whereas, Proclaiming Respect Month and Respect Your Neighborhood Day will encourage service projects and conflict resolution courses, which are two ways to combat poor self-esteem and lack of self-respect which can lead to violence; and

Whereas, The existing diversity in our communities must be admired, appreciated, and valued, but without respect, this society will not achieve its full potential; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate October 2002 as Respect Month and October 30, 2002, as Respect Your Neighborhood Day on a permanent basis in the state of Michigan; and be it further

Resolved, That we urge President George W. Bush and the Congress of the United States to make such proclamations for the country as a whole; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and the Michigan congressional delegation.

POM-307. A resolution adopted by the General Assembly of the State of Maryland relative to September 11, 2001; ordered to lie on the table.

RESOLUTION

Be it hereby known to all that The Maryland General Assembly offers this resolution as an expression of sympathy in remembrance of September 11, 2001, when foreign terrorists conducted inhumane, murderous attacks on the United States.

The entire membership offers its deepest sympathy, its unwavering support, and its sincere concern to the families, friends, and the Nation.

The General Assembly directs this Resolution be presented on this 9th day of January, 2002, and that copies of this Resolution be sent to the President of the United States, George W. Bush, all members of the United States Congress, the Governor of New York and Mayor of New York City, the Governor of Virginia, and the Governor of Pennsylvania.

REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of August 1, 2002, the following reports of committees were submitted on August 2, 2002:

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

S. 1971: A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes. (Rept. No. 107-242).

Under the authority of the order of the Senate of July 29, 2002, the following reports of committees were submitted on August 28, 2002:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

S. 351: A bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes. (Rept. No. 107-243).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1079: A bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites. (Rept. No. 107-244).

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

S. 710: A bill to require coverage for colorectal cancer screenings. (Rept. No. 107-245).

By Mr. INOUE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1210: A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996. (Rept. No. 107-246).

S. 2711: A bill to reauthorize and improve programs relating to Native Americans. (Rept. No. 107-247).

S. 1344: A bill to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers. (Rept. No. 107-248).

S. 2017: A bill to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program. (Rept. No. 107-249).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 210: A bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes. (Rept. No. 107-250).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute and an amendment to the title:

S. 2753: A bill to provide for a Small and Disadvantaged Business Ombudsman for Procurement in the Small Business Administration, and for other purposes. (Rept. No. 107-251).

By Mr. INOUE, from the Committee on Indian Affairs, without amendment:

S. 1308: A bill to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772-72, 773-71, and 775-71, and for other purposes. (Rept. No. 107-252).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

Treaty Doc. 103-5 1990 Protocol to the 1983 Maritime Environment of the Wider Caribbean

Region Convention (Exec. Rept. No. 107-8)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Protocol Concerning Specifically Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, subject to Reservations, an Understanding, and a Declaration.

The Senate advises and consents to the ratification of the Protocol Concerning Specifically Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, including Annexes, done at Kingston on January 18, 1990 (Treaty Doc. 103-5), subject to the reservations in section 2, the understanding in Section 3, and the declaration in Section 4.

Section 2. Reservations.

The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the instrument of ratification.

(1) The United States of America does not consider itself bound by Article 11(1) of the Protocol to the extent that United States law permits the limited taking of flora and fauna listed in Annexes I and II—

(A) which is incidental, or

(B) for the purposes of public display, scientific research, photography for educational or commercial purposes, or rescue and rehabilitation.

(2) The United States has long supported environmental impact assessment procedures, and has actively sought to promote the adoption of such procedures throughout the world. U.S. law and policy require environmental impact assessments for major Federal actions significantly affecting the quality of the human environment. Accordingly, although the United States expects that it will, for the most part, be in compliance with Article 13, the United States does not accept an obligation under Article 13 of the Protocol to the extent that the obligations contained therein differ from the obligations of Article 12 of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.

(3) The United States does not consider the Protocol to apply to six species of fauna and flora that do not require the protection provided by the Protocol in U.S. territory. These species are the Alabama, Florida and Georgia populations of least tern (*Sterna antillarum*), the Audubon's shearwater (*Puffinus lherminieri*), the Mississippi, Louisiana and Texas population of the wood stork (*Mycteria americana*) and the Florida and Alabama populations of the brown pelican (*Pelicanus occidentalis*), which are listed on Annex II, as well as the fulvous whistling duck (*Dendrocygna bicolor*), and the populations of widgeon or ditch grass (*Ruppia maritima*) located in the continental United States, which are listed on Annex III.

Section 3. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States understands that the Protocol does not apply to non-native species, defined as species found outside of their natural geographic distribution, as a result of deliberate or incidental human intervention. Therefore, in the United States, certain exotic species, such as the muscovy duck (*Carina moschata*) and the common iguana (*Iguana iguana*), are not covered by the obligations of the Protocol.