

When I served with Carl in the 1980s, I was struck, as was everyone who knew Carl Thompson, by his dedication to the great State of Wisconsin, and to the people he served. He was a powerful advocate for veterans' housing, and was one of the State's leading voices on the importance of preserving our First Amendment freedoms. Carl Thompson was also a great storyteller with a wonderful wit and sense of humor.

I am deeply saddened by Carl Thompson's passing, but I know that his leadership has left a lasting mark on the Wisconsin Democratic Party, and our State. He will be remembered for many years to come.●

#### MESSAGE FROM THE HOUSE

At 11:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2982. An act to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad.

H.R. 4691. An act to prohibit certain abortion-related discrimination in governmental activities.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 297. Concurrent resolution recognizing the historical significance of 100 years of Korean immigration to the United States.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 238. An act to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

S. 1175. An act to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton's Headquarters, and for other purposes.

H.R. 640. An act to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes.

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

At 5:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2215) to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

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

H.R. 4600. An act to improve patient access to health care services and provide improved

medical care by reducing the excessive burden of the liability system places on the health care delivery system.

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on September 26, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 111. A joint resolution making continuing appropriations for the fiscal year 2003, and for other purposes.

#### ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on September 26, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 111. A joint resolution making continuing appropriations for the fiscal year 2003, and for other purposes.

The joint resolution was signed subsequently by the President pro tempore (Mr. BYRD).

#### MEASURES REFERRED

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

H.R. 2982. An act to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad; to the Committee on Energy and Natural Resources.

H.R. 4600. An act to improve patient access to health care services and provide improved medical care by reducing the excessive burden of the liability system places on the health care delivery system; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 297. Concurrent resolution recognizing the historical significance of 100 years of Korean immigration to the United States; to the Committee on the Judiciary.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4691. An act to prohibit certain abortion-related discrimination in governmental activities.

S. 3009. A bill to provide economic security for America's workers.

The following joint resolution was read the first time:

S.J. Res. 45. Joint resolution to authorize the use of United States Armed Forces against Iraq.

#### 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-308. A House joint memorial that was adopted by the Legislature of the State of Washington relative to the National Guard; to the Committee on Armed Services.

#### HOUSE JOINT MEMORIAL 4017

Whereas, Within days of the September 11, 2001, terrorist attacks in New York City and Washington D.C., the nation's governors activated National Guard soldiers and airmen to augment security at 422 of the nation's international airports; and

Whereas, In true state-federal partnership, National Guard forces are providing aerial port security under the command and control of the sovereign states, territories, and the District of Columbia and the federal government is funding such duties "in the service of the United States" under Title 32 U.S.C., Section 502(f), hereinafter referred to as "Title 32 duty"; and

Whereas, Title 32 duty has been used, *inter alia*, for more than twenty years for National Guard full-time staffing, for National Guard support for local, state, and federal law enforcement agencies under Governors' Counter-Drug Plans for more than twelve years, for National Guard Civil Support Team technical assistance for local first responders for more than two years, and for aerial port security following the attacks of September 11. Of particular note, the National Guard Counter-Drug Program has long included Title 32 support for United States Customs, Border Patrol, and Immigration and Naturalization Service activities at United States Ports of Entry; and

Whereas, In the aftermath of the September 11 attacks, increased security and inadequate federal staffing have limited the flow of persons, goods, and services across our nation's borders. These factors have contributed to a serious weakening of the American and Canadian economies, especially in states such as Washington; and

Whereas, The governors of northern tier border states wrote President Bush in November 2001 offering to provide Title 32 National Guard augmentation for United States Customs, Border Patrol, and Immigration and Naturalization Service operations at United States ports of entry. Such relief could have been, and still can be, effected within days of acceptance by the federal government; and

Whereas, There is still no relief at our borders due to inaction on the governors' offer of Title 32 National Guard assistance and conflicting Department of Defense proposals to federalize the National Guard or otherwise enhance border security with active duty military personnel instead of Title 32 National Guard members; and

Whereas, Federalizing the National Guard under Title 10 U.S.C. would degrade the combat readiness of units from which Guardsmen would be mobilized, interfere with effective state force management, and prevent personal accommodations for soldiers and their civilian employers; and

Whereas, Stationing federal military forces at the United States-Canada border would be an unprecedented unilateral action by the United States; and

Whereas, The nation's border states need prompt relief which can best be provided by Title 32 National Guard forces being deployed to assist lead federal agencies at the borders "in the service of the United States," but under continued state command and control; and

Whereas, The Washington State Legislature opposes federalization of the National Guard or assignment of federal military forces for United States border security: Now, therefore,

Your Memorialists respectfully pray that Congress assures prompt augmentation of

lead federal agencies at the borders by accepting the governors' offer of National Guard forces under state command and control pursuant to 32 U.S.C. Sec. 502(f); be it

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

POM-309. A joint resolution adopted by the Legislature of the State of Alabama relative to ratifying the Seventeenth Amendment to the United States Constitution; to the Committee on the Judiciary.

#### HOUSE JOINT RESOLUTION 12

Whereas, the Seventeenth Amendment to the United States Constitution provides as follows:

"Amendment XVII.

"[Popular Election of Senators]

"The senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

"When vacancies happen in the representation of any state in the senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution."; and

Whereas, the Seventeenth Amendment was ratified May 31, 1913; Now therefore, be it

*Resolved by the Legislature of Alabama, both Houses thereof concurring*, That we hereby ratify the Seventeenth Amendment to the United States Constitution.

*Resolved further*, That a copy of this resolution be sent to the Archivist of the United States, and to the Speaker of the House of Representatives and the President of the Senate of the United States Congress.

POM-310. A joint resolution adopted by the Legislature of the State of Alabama relative to ratifying the Twenty-Third Amendment to the United States Constitution; to the Committee on the Judiciary.

#### HOUSE JOINT RESOLUTION 13

Whereas, the Twenty-Third Amendment of the United States Constitution provides as follows:

"Amendment XXIII

"Section 1.

"[Electors for President and Vice President in District of Columbia]

"The district constituting the seat of government of the United States shall appoint in such manner as the congress may direct:

"A number of electors of president and vice president equal to the whole number of senators and representatives in congress to which the district would be entitled if it were a state, but in no event more than the least populous state, they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of president and vice president, to be electors appointed by a state; and they shall meet in the district and perform such duties as provided by the twelfth article of amendment.

"Section 2.

"[Power to Enforce Article]

"The congress shall have the power to enforce this article by appropriate legislation."; and

Whereas, the Twenty-Third Amendment was ratified April 13, 1961: Now therefore, be it

*Resolved by the Legislature of Alabama, both Houses thereof concurring*, That we hereby ratify the Twenty-Third Amendment to the United States Constitution.

*Resolved further*, That a copy of this resolution be sent to the Archivist of the United States, and to the Speaker of the House of Representatives and the President of the Senate of the United States Congress.

POM-311. A joint resolution adopted by the Legislature of the State of Alabama a relative to ratifying the Twenty-Fourth Amendment to the United States Constitution; to the Committee on the Judiciary.

#### HOUSE JOINT RESOLUTION 14

Whereas, Twenty-Fourth Amendment to the United States Constitution provides as follows:

"Amendment XXIV.

"Section 1.

"[Poll Tax Payment Not Required to Vote in Federal Elections]

"The right of citizens of the United States to vote in any primary or other election for president or vice president, for electors for president or vice president, or for senator or representative in congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

"Section 2.

"[Power to Enforce Article]

"The congress shall have power to enforce this article by appropriate legislation."; and

Whereas, Twenty-Fourth Amendment was ratified February 4, 1964: Now therefore, be it

*Resolved by the Legislature of Alabama, both Houses thereof concurring*, That we hereby ratify the Twenty-fourth Amendment to the United States Constitution.

*Resolved further*, That a copy of this resolution be sent to the Archivist of the United States, and to the Speaker of the House of Representatives and the President of the Senate of the United States Congress.

POM-312. A resolution adopted by the General Assembly of the State of New Jersey relative to federal funds authorized for highway purposes; to the Committee on Appropriations.

#### ASSEMBLY RESOLUTION

Whereas, In 1998 the Congress of the United States passed with significant bipartisan support H.R. 2400, the "Transportation Equity Act for the 21st Century" (TEA-21), which was subsequently signed into law as Public Law 105-178 by the President of the United States; and

Whereas, It was the intent of Congress to assure that guaranteed levels of federal funds for various highway purposes would be made available to the nation for a six-year period from federal fiscal year 1998 through federal fiscal year 2003; and

Whereas, Federal funds appropriated by Congress in recent years for highway purposes have reflected the intended levels of federal financial support authorized by TEA-21; and

Whereas, New Jersey and the several other states have developed highway master plans and initiated work on projects based, in part, on receiving the annual levels of federal funds authorized by TEA-21; and

Whereas, The President of the United States has proposed a level of federal funding for highway purposes in federal fiscal year 2003 that is almost 30 percent below the amount available to the various states in federal fiscal year 2002; and

Whereas, The proposed reduction in the federal fiscal year 2003 funding level for high-

way purposes is inconsistent with the level of federal funding authorized by TEA-21, places an undue financial burden on the various states by requiring them to defer plans and projects that were originally designed to provide timely, cost effective highway improvements for their citizens, and would establish an unfortunate financing precedent for Congress and the various states if the successor to TEA-21 is subsequently authorized at similar, lower funding levels: Now, therefore, be it

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

1. The Congress of the United States is memorialized to appropriate funds out of the federal Highway Trust Fund for various highway purposes in federal fiscal year 2003 at a level that is no less than the amount authorized by TEA-21, and to assure timely distribution of these funds to all states.

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 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 all other Members of Congress.

POM-313. A resolution adopted by the General Assembly of the State of New Jersey relative to designating the fifteenth of May as National Senior Citizen's Day; to the Committee on the Judiciary.

#### ASSEMBLY RESOLUTION

Whereas, It is desirable to increase the nation's awareness of the accomplishments and experiences of the senior citizens of our country; and

Whereas, Senior citizens 65 years of age and older are in increasing segment of the population, currently comprising 12% of the nation's population, and 13% of New Jersey's population; and

Whereas, Younger generations benefit from the honoring and remembrance of the accomplishments, experiences and wisdom which senior citizens have amassed during their lives; and

Whereas, Senior citizens are deserving of a day of recognition honoring their numerous contributions to society and their survival through wartimes as well as their endurance of many hardships: Now, therefore, be it

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

1. The Congress and the President of the United States are respectfully memorialized to enact legislation honoring all the senior citizens of the United States by designating May 15th as National Senior Citizens Day.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be forwarded to the President of the United States, the Secretary of Health and Human Services of the United States, the presiding officers of the United States Senate and the House of Representatives, and each of the members of the Congress of the United States elected from the State of New Jersey.

POM-314. A resolution adopted by the General Assembly of the State of New Jersey relative to National Grandparents Day; to the Committee on the Judiciary.

#### ASSEMBLY RESOLUTION

Whereas, In 1979, Congress approved House Joint Resolution No. 244, which authorized and requested the President to issue annually a proclamation designating the first Sunday of September following Labor Day of each year as "National Grandparents Day"; and

Whereas, In 1994, Congress approved Senate Joint Resolution No. 198, which recognized that grandparents bring a tremendous amount of love to their grandchildren's lives, deepen a child's roots, strengthen a child's development and often serve as the primary caregiver for their grandchildren by providing stable and supportive home environments, and designated 1995 as the "Year of the Grandparent"; and

Whereas, In making these designations, Congress acknowledged the important role grandparents play within families and their many contributions which enhance and further the value of families and their traditions, and recognized that public awareness of and appreciation for grandparents' many contributions should be strengthened; and

Whereas, For both "National Grandparents Day," and the "Year of the Grandparent" in 1995, Congress called on the people of the United States and interested groups and organizations to observe the day and year with appropriate ceremonies and activities; and

Whereas, Despite the acknowledgement of the tremendous contributions grandparents make to their families' lives, the permanent designation of a day to observe "National Grandparents Day," the year-long designation of 1995 as the "Year of the Grandparent," as well as the call for appropriate ceremonies and activities, the actual observance of appropriate ceremonies and activities has been lacking; and

Whereas, A wholehearted national effort to encourage people and organizations to celebrate "National Grandparents Day" by planning appropriate programs, ceremonies and activities would go a long way to commemorate and honor the wonderful and vital contributions that grandparents make to the lives of their families: Now, therefore, be it

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

1. The Congress and President of the United States are respectfully memorialized to make a wholehearted national effort to encourage people and organizations to celebrate "National Grandparents Day" by planning appropriate programs, ceremonies and activities that commemorate and honor the wonderful and vital contributions that grandparents make to the lives of their families.

2. Duty authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be forwarded to the President of the United States, the Secretary of Health and Human Services of the United States, the presiding officers of the United States Senate and the House of Representatives, and each of the members of the Congress of the United States elected from the State of New Jersey.

POM-315. A resolution adopted by the General Assembly of the State of New Jersey relative to the designation of a National Police, Firefighter and Emergency Services Personnel Recognition Day; to the Committee on the Judiciary.

#### ASSEMBLY RESOLUTION

Whereas, Police officers, firefighters and emergency services personnel throughout the nation are called upon to serve and protect their fellow citizens by responding to horrendous events and acting heroically to save the lives of others in spite of the clear danger to their own lives; and

Whereas, Police officers, firefighters and emergency services personnel are routinely thrown into extraordinarily dangerous situations, called upon to work overtime without proper sleep and spend time away from their families and loved ones; and

Whereas, Since the dastardly terrorist attacks on this nation of September 11, 2001,

police officers, firefighters and emergency services personnel throughout the United States have been called upon to make even greater sacrifices to ensure the safety and security of Americans; and

Whereas, The third Sunday in May of each year has been designated "Police, Firemen and First Aid Recognition Day" in the State of New Jersey in recognition of the dedicated service the members of police and fire departments and the various first aid, ambulance and rescue services in the State have rendered to their fellow citizens; and

Whereas, Numerous other states throughout the country have designated an annual day whereby they recognize the services provided by their police officers, firefighters and emergency services personnel; and

Whereas, There is no national day of recognition to honor police officers, firefighters and emergency services personnel; and

Whereas, It is fitting and proper that a National Police, Firefighter and Emergency Services Personnel Recognition Day be established to salute the contributions of police officers, firefighters and emergency services personnel to the security and well-being of this country; 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 adopt a resolution which designates one day each year as "National Police, Firefighter and Emergency Services Personnel Recognition Day."

2. Duty authenticated copies of this resolution, signed by the Speaker and attested by the Clerk thereof, shall be transmitted to the Vice President of the United States and the Speaker of the House of Representatives, and to each of the members of Congress elected from this State.

POM-316. A resolution adopted by the General Assembly of the State of New Jersey relative to Clean Air Act requirements; to the Committee on Environment and Public Works.

#### ASSEMBLY RESOLUTION

Whereas, Studies by the 37-state Ozone Transport Assessment Group have demonstrated that sulfur dioxide and nitrogen oxide can travel up to 500 miles in the right climatic conditions, and the transport of these pollutants, generally in a northeastern patten, can have significant impacts on the ozone problem in downwind northeast states such as New Jersey; and

Whereas, On December 3, 1999, then New Jersey Governor Whitman announced that the State would join the federal government and other states in taking legal action to require Midwestern power plants to clean up their emissions; and

Whereas, On February 14, 2002, President Bush announced his Clear Skies and Global Climate Change Initiatives which would replace current federal air pollution control rules with a national emissions cap and trade system, and as a result would likely provide Midwestern power plants, refineries and other industrial sources with an exemption from the New Source Review program; and

Whereas, Implementation of the New Source Review program would require installation of air pollution controls when older power plants refineries and other industrial facilities are expanded or significantly changed; and

Whereas, Earlier this year, New Jersey's largest utility agreed to install state-of-the-art pollution controls on two power plants in the State as part of a settlement with the United States Department of Justice and the Environmental Protection Agency regarding the New Source Review program; and

Whereas, While this action is a significant step in New Jersey's efforts to control air pollution from in-State sources, there must be strong federal enforcement of clean air standards in upwind states in order to protect the citizens of New Jersey, and out-of-State power plants should be required to install similar state-of-the-art pollution controls in order to achieve lasting improvements in air quality; and

Whereas, The current proposed federal regulatory changes to the Clean Air Act standards would significantly compromise the gains New Jersey and the nation have made in air pollution control, would undermine the efforts the United States Department of Justice has taken to enforce compliance with federal Clean Air Act requirements, and would be detrimental to the environment and the public health of citizens of this State; Now, therefore, be it

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

1. This House urges the President of the United States and the Administrator of the United States Environmental Protection Agency to not weaken federal Clean Air Act requirements. The President and Administrator are further urged to support the lawsuits filed by the United States Department of Justice against power plants and other facilities who have violated the requirements of the federal Clean Air Act.

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 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 Congress elected from this State, the Administrator of the United States Environmental Protection Agency, and the Commissioner of the New Jersey Department of Environmental Protection.

POM-317. A resolution adopted by the General Assembly of the State of New Jersey relative to enacting legislation to permit retired members of the Armed Forces with service-connected disabilities to be paid both military retired pay and veterans' disability compensation; to the Committee on Armed Services.

#### ASSEMBLY RESOLUTION

Whereas, An obscure 19th Century law requires military retired pay to be offset, dollar for dollar, by the amount of disability compensation received from the Department of Veterans Affairs; and

Whereas, This longstanding inequity forces thousands of disabled career military retirees to fund their own veterans' disability compensation from their earned military retired pay; and

Whereas, Retired pay and veterans' disability compensation are two entirely different compensation elements—retired pay is provided to recognize a career of arduous, unformed service while Department of Veterans Affairs disability compensation is recompense for pain, suffering and lost future earning power due to service-connected disabilities; and

Whereas, Thousands of career officers must forfeit their entire military retired pay because this 19th Century law reduces their retirement benefit by the amount they receive in disability compensation; and

Whereas, Companion bills pending before the 107th Congress, S. 170 and H.R. 303, would permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs; and

Whereas, There is significant support in the 107th Congress for this legislation to correct the inequity, as S. 170 has 77 cosponsors and H.R. 303 has 379 cosponsors: Now, therefore, be it

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

1. The President of the United States and the Congress of the United States is respectfully memorialized to enact the "Retired Pay Restoration Act of 2001" as embodied in S. 170 and H.R. 303, now pending before the 107th Congress of the United States. These bills would amend Title 10 of the United States Code to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

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 Vice President of the United States, the Majority and Minority Leader of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, and every member of Congress elected from this State.

POM-318. A resolution adopted by the General Assembly of the State of New Jersey relative to noise reduction of aircraft traffic patterns over New Jersey; to the Committee on Commerce, Science, and Transportation.

#### ASSEMBLY RESOLUTION

Whereas, Residents of New Jersey suffer from extreme and unwarranted levels of intrusive aircraft noise; and

Whereas, Aircraft noise deprives residents of the full use and benefit of their homes and living areas; and

Whereas, Aircraft noise contributes to the substantial lowering of property values on residences owned by New Jersey residents; and

Whereas, The Federal Aviation Administration, hereafter the "FAA," is currently undertaking a major redesign of the aircraft traffic patterns over New Jersey; and

Whereas, The FAA's stated goals for the redesign include only reducing delays affecting airline schedules, and reducing pilot and air traffic controller workloads, while enhancing safety; and

Whereas, The FAA, despite repeated public promises to substantially reduce aircraft noise as part of the redesign, has refused to include such noise reduction as a primary goal of the redesign: now, therefore, be it

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

1. The President and the Congress of the United States are respectfully memorialized to direct the Federal Aviation Administration to include the reduction of aircraft noise as a major goal in the redesign of aircraft traffic patterns over New Jersey.

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, every member of Congress elected from this State, the Secretary of the United States Department of Transportation, and the Administrator of the Federal Aviation Administration.

POM-319. A resolution adopted by the General Assembly of the State of New Jersey relative to the federal court decision ruling that recitation of the Pledge of Allegiance in public schools is unconstitutional; to the Committee on the Judiciary.

#### ASSEMBLY RESOLUTION

Whereas, In a 2-1 decision, the 9th U.S. Circuit Court of Appeals ruled on June 26, 2002, that the Pledge of Allegiance cannot be recited in public schools because the phrase "under God" endorses religion; and

Whereas, The words of the pledge first appeared in the periodical, *The Youth's Companion*, in 1892, and the pledge was officially sanctioned by the United States Congress in 1942; and

Whereas, President Dwight D. Eisenhower approved adding the words "under God" to the pledge on Flag Day, June 14, 1954; and

Whereas, In authorizing the additional words, President Eisenhower wrote that "millions of our schoolchildren will daily proclaim in every city and town, every village and rural schoolhouse, the dedication of our nation and our people to the Almighty"; and

Whereas, Circuit Judge Ferdinand Fernandez, in his dissenting opinion, noted that such phrases as "under God" have "no tendency to establish religion in this country except in the eyes of those who most fervently would like to drive all tincture of religion out of the public life of our polity"; and

Whereas, The court decision has been roundly condemned by members of Congress from both sides of the aisle, and the Department of Justice has vowed to fight the ruling: Now, therefore, be it

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

1. This House strongly condemns the June 26, 2002, federal court decision declaring the Pledge of Allegiance to be unconstitutional and urges the Department of Justice to appeal the decision immediately and without reservation.

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 Vice-President of the United States, the Speaker of the House of Representatives, the federal Department of Justice, and every member of Congress elected from this State.

POM-320. A resolution adopted by the General Assembly of the State of New Jersey relative to Amtrak; to the Committee on Commerce, Science, and Transportation.

#### ASSEMBLY RESOLUTION

Whereas, President David Gunn of the National Rail Passenger Corporation, Amtrak, has warned that without a loan guarantee of \$200 million or similar federal support, Amtrak will run out of operating funds in the near future and will have to shut down operations; and

Whereas, While Federal support appears to be forthcoming to provide a short-term reprieve for Amtrak that will permit it to continue operations until October 1, 2002, such short-term support begs the question of the long-term support for the continuation of national rail passenger service; and

Whereas, The Federal Government under the Constitution of the United States has the responsibility for the regulation of interstate commerce and has taken on the responsibility by legislation for the creation of an Interstate Highway System and a national airport system, both of which receive substantial financial support from federal appropriations; and

Whereas, With the formation of Amtrak, the Congress of the United States emphasized the importance of a federal commitment to a national rail passenger system, but now the President of the United States and the federal administration have begun to weaken the federal commitment in favor of actions by the individual states; and

Whereas, The United States is one Nation and can ill afford a fragmented and decentralized national rail passenger transportation system; and

Whereas, The dismantling of Amtrak will not only deprive the Nation as a whole of a national rail passenger system but will create an intolerable burden on the individual states, with the Northeastern states in particular being forced to assume responsibility for a \$12 billion maintenance backlog on the Northeast Corridor; and

Whereas, The cost of continuing Amtrak and providing for proper maintenance and repair of its infrastructure is modest compared to the enormous sums spent for the support of the Nation's highways and aviation system; and

Whereas, In a time of national emergency, a national rail passenger system plays an important role in the national security of the United States, as manifested by the fact that during the September 11, 2001 crisis, the rail system was the only functioning practical interstate transportation operation nationally; and

Whereas, The dismantling of the Amtrak system would have a disastrous effect on the greater New York-New Jersey metropolitan region, leading to the overburdening of an already heavily burdened road system, the paralysis of the local rail transportation system affecting local commuting into and out of New York City, exacerbating problems of air pollution, leading to economic decline or stagnation which would deleteriously affect federal tax revenues from one of the most productive and vibrant economic regions of the country: 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, for the public policy reasons stated in the preamble of this resolution, memorializes the Congress and the President of the United States to enact a long-term solution to the Nation's rail crisis by providing for the continuation of national passenger rail service by Amtrak.

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 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 all other members of Congress.

POM-321. A resolution adopted by the General Assembly of the State of New Jersey relative to the cable television industry; to the Committee on Commerce, Science, and Transportation.

#### ASSEMBLY RESOLUTION

Whereas, The "Cable Communication Policy Act of 1984" totally deregulated the cable television industry and specifically prohibited the States from regulating either cable rates or cable programming; and

Whereas, Subsequent to the 1984 deregulation of the cable industry, rapidly escalating cable rates and declining levels of service led to the passage of the "Cable Television Consumer Protection and Competition Act of 1992" which essentially restored governmental rate regulation of the cable industry; and

Whereas, The federal "Telecommunications Act of 1996" was adopted to promote greater competition as a means of addressing the cable industry's problems and eliminated most of the "Cable Television Consumer Protection and Competition Act of 1992" by the end of 1999, including the phasing out of federal price controls over cable rates; and

Whereas, Following passage of the federal "Telecommunications Act of 1996," cable programming service rates have increased by over 60 percent, or of which increase zero percent is attributable to State law, and which 60 percent increase represents about seven times the aggregate rate of inflation for the past three years, according to the New Jersey Board of Public Utilities, and federal price controls over most cable rates were terminated on March 31, 1999; and

Whereas, The cable rate increases over the past several years once again indicate that a competitive free market fails to restrain the predatory practices that occur when cable television companies enjoy de facto monopolies unregulated by the areas they serve; and

Whereas, In light of the cable rate increases of the past few years, it is appropriate for Congress to reconsider the deregulation of the cable television industry as enacted by the federal "Telecommunications Act of 1996" and the "Cable Communications Policy Act of 1984" and permit States to fully regulate the cable television industry, including the regulation of cable television rates, in order to curb the anti-consumer practices of the cable company, monopolies; and

Whereas, It is altogether fitting and proper for this House, as representatives of the residents of this State, which itself established a regulatory framework for cable television in the 1972 "Cable Television Act," to call upon Congress to reconsider the deregulation of the cable television industry as enacted by the federal "Telecommunications Act of 1996" and the "Cable Communications Policy Act of 1984" and permit States to fully regulate the cable television industry, including the regulation of cable television rates: Now, therefore, be it

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

1. The Congress of the United States is respectfully memorialized to reconsider the deregulation of the cable television industry and permit States to fully regulate the cable television industry.

2. That duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested to by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each Member of Congress from the State of New Jersey.

POM-322. A resolution adopted by the General Court of the Commonwealth of Massachusetts relative to anti-semitism; to the Committee on Foreign Relations.

#### RESOLUTIONS

Whereas, in 2002, 57 years after the Holocaust, anti-Semitism is still among the most enduring and pernicious forms of hate that humankind has known; and

Whereas, anti-Semitism is on the rise in Europe and many other places around the globe and Jews are being attacked in the streets, synagogues are being vandalized and cemeteries are being desecrated; and

Whereas, in many corners of the world, Jews are being demonized by political leaders, clergy and the mainstream media; and

Whereas, Jewish citizens and Jewish institutions in Massachusetts have been targeted for hate mail, hateful speech and hateful acts; and

Whereas, in the wake of this rising tide of anti-Semitism too many governments and institutions have been silent; and

Whereas, the time has come to speak out against the wave of hate: Therefore be it

*Resolved*, That the Massachusetts General Court urges the Congress of the United States to pass a resolution condemning anti-

Semitism and asking other leaders, governments and citizens to speak strongly against the spread of hate; and be it further

*Resolved*, That copies of these resolutions be forwarded by the clerk of the House of Representatives to the President of the United States, the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth.

POM-323. A Senate concurrent resolution adopted by Legislature of the State of Louisiana relative to imported seafood; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE CONCURRENT RESOLUTION NO. 16

Whereas, over the past few years there has been an influx of imported seafood being dumped into the United States of America; and

Whereas, the vast majority of these imported products have come from the countries of Thailand, India, Mexico, Ecuador and Indonesia; and

Whereas, the magazine, Quick Frozen Foods International noted in a January, 2002 article, that Asian shrimp tested in Germany had traces of an antibiotic called "chloramphenicol"; and

Whereas, this antibiotic is banned in the European Union countries because it is believed to cause bone marrow damage; and

Whereas, because the United States does not require such testing, much of this imported shrimp flooded the American market for prices much lower than American shrimp and may be in violation of anti-dumping laws; and

Whereas, such flooding of the domestic market has greatly affected the price of American shrimp to levels not seen in twenty years; and

Whereas, Louisiana residents can help Louisiana fishermen by demanding and buying Louisiana shrimp: Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to impose a quota on certain imported seafood such as shrimp; be it further

*Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to support, demand, and insist on testing of all imported seafood products before such products are allowed to enter the country and to require wholesalers to indicate the source and origin after purchase; be it further

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

POM-324. A Senate Joint Memorial adopted by the Legislature of the State of Colorado relative to the return of the USS Pueblo to the United States Navy; to the Committee on Foreign Relations.

#### SENATE JOINT MEMORIAL 02-001

Whereas, The USS Pueblo, which was attacked and captured by the North Korean Navy on January 23, 1968, was the first United States Navy ship to be hijacked on the high seas by a foreign military force in over 150 years; and

Whereas, One member of the USS Pueblo crew, Duane Hodges, was killed in the assault while the other 82 crew members were held in captivity, often under inhumane conditions, for 11 months; and

Whereas, The USS Pueblo, an intelligence collection auxiliary vessel, was operating in international waters at the time of the capture, and therefore did not violate North Korean territorial waters; and

Whereas, The capture of the USS Pueblo has resulted in no reprisals against the government or people of North Korea and no military action was taken at the time of the vessel's capture or at any later date; and

Whereas, The USS Pueblo, though still the property of the United States Navy, has been retained by North Korea for more than 30 years, was subjected to exhibition in the North Korean cities of Wonsan and Hungnam, and is now on display in Pyongyang, the capital city of North Korea; and

Whereas, United States Senator Ben Nighthorse Campbell recently began a legislative effort in Congress to demand that North Korea return the USS Pueblo to the United States Navy: Now, therefore, be it

*Resolved by the Senate of the Sixty-third General Assembly of the State of Colorado, the House of Representatives concurring herein:*

That we, the members of the Sixty-third General Assembly, hereby memorialize Congress to demand that the USS Pueblo be returned to the United States Navy; be it further

*Resolved*, That copies of this Joint Memorial be transmitted to the President of the United States, George W. Bush; the United States Secretary of Defense, Donald Rumsfeld; the United States Secretary of State, Colin Powell; the United States House of Representatives; and to each member of Colorado's delegation of the United States Congress.

POM-325. A Resolution adopted by the House of the Commonwealth of Pennsylvania relative to funding for the National Park Service to purchase the Schwoebel Tract, which lies in the boundaries of the Valley Forge National Historical Park; to the Committee on Energy and Natural Resources.

#### HOUSE RESOLUTION NO. 401

Whereas, Approximately 460 acres of the 3,466 acres that comprise the Valley Forge National Historical Park are privately owned; and

Whereas, A 62-acre tract of the privately owned land is currently under consideration as the site of a subdivision for approximately 62 luxury homes; and

Whereas, The construction of homes within the Valley Forge National Historical Park will detract from the historic and cultural environment the park provides for millions of people who visit each year; and

Whereas, The owners of the 62-acre tract of land are willing to sell the land to the National park Service: Therefore be it

*Resolved*, That the Congress of the United States appropriate sufficient funds for the National Park Service to purchase the privately owned 62-acre tract of land, which will help to ensure the preservation of the park as a national historic site; and be it further

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

POM-326. A Resolution adopted by the House of the Commonwealth of Pennsylvania relative to Federal relief for steel industry retiree health care costs; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE RESOLUTION NO. 488

Whereas, Much of the domestic steel industry is heavily burdened by overwhelming retiree health care costs, or legacy costs, due to the massive layoffs of the 1970s and 1980s which were necessary to make domestic steel producers some of the most efficient and competitive in this advanced global market; and

Whereas, These layoffs increased the retiree-to-employee ratio to nearly three to one and increased the difficulty for domestic steel producers to maintain benefits for retired employees; and

Whereas, An average of 10% of the costs of a ton of steel goes directly to retiree pension and health care funds for many of the largest producers of steel in the United States; and

Whereas, Approximately 600,000 retirees, surviving spouses and dependents receive health care benefits from domestic steel companies, with the largest and most vulnerable of these companies providing retiree health care benefits to approximately 100,000 retirees, surviving spouses and dependents; and

Whereas, Because 29 domestic steel companies have declared bankruptcy since the Asian financial crisis of 1998, retirees health care benefits are at risk as a cost-cutting measure; and

Whereas, Retirees displaced by plant shutdowns shoulder the burden of their medical costs as they may be unable to afford or qualify for private health insurance programs or may not qualify for Medicare coverage; and

Whereas, The United Steelworkers of America, realizing the risk to individuals and families, has called for Federal action to protect the health care benefits of domestic steelworker retirees: Therefore be it

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania urge the President and Congress of the United States to take all necessary action to preserve the health care benefits of steel industry retirees; and be it further

*Resolved*, That copies of this resolution be transmitted 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-327. A Joint Resolution adopted by the Assembly of the State of California relative to the Mexicali/Calexico border crossing; to the Committee on the Judiciary.

#### ASSEMBLY JOINT RESOLUTION NO. 35

Whereas, Persons wishing to cross the international border between Mexico and California have traditionally been subject to long wait times during peak periods; and

Whereas, An unfortunate byproduct of the heightened security regime implemented since the September 11, 2001, terrorist attacks on the United States has been an increase in already long wait times at the border; and

Whereas, The economic well-being of the border regions in both the United States and Mexico is dependent on flows of people and goods across the border with a minimum of delay; and

Whereas, The economy of Imperial County depends heavily on shoppers from Mexico; and

Whereas, Federal officials have successfully implemented reduced border crossing times for persons qualifying for use of the Secure Electronic Network For Travelers Rapid Inspection (SENTRI) program, which provides access to a dedicated commuter land and uses automated vehicle identification technology at a limited number of United States international border crossings, including the Otay Mesa crossing near Tijuana/San Diego; and

Whereas, Persons eligible for the SENTRI program have been previously identified as low risk persons who regularly use the border crossing; and

Whereas, The SENTRI program provides law enforcement with good, solid information about program participants, and avoids the need to continuously inspect these precleared individuals; and

Whereas, It would be beneficial to commerce and tourism on both sides of the border to implement the SENTRI program at the Mexicali/Calexico border crossing in order to decrease the border wait times for both United States and Mexican citizens; and

Whereas, The government of the State of Baja California has indicated its interest in expansion of the SENTRI program: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature respectfully memorializes the United States Congress and federal agencies, including the Immigration and Naturalization Service and the United States Customs Service, to take the necessary steps to implement the SENTRI program at the Mexicali/Calexico border crossing; 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 Chairpersons of the House and Senate Judiciary Committees, to each Senator and Representative from California in the Congress of the United States, and to the Immigration and Naturalization Service and the United States Customs Service.

POM-328. A Senate Concurrent Resolution adopted by the Legislature of the State of Louisiana relative to the use of Title I funds to address the educational needs of students; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE CONCURRENT RESOLUTION NO. 22

Whereas, Title I of the reauthorized Elementary and Secondary Education Act, a federal aid program from which funds flow through the state education agencies to the local education agencies, is a significant funding mechanism of great value to the local school systems in Louisiana that aims to provide extra resources to improve high poverty schools and enable at-risk children to meet challenging state content and student performance standards; and

Whereas, Louisiana's total Title I allocation for 2001-2002 of over one hundred and ninety-one million dollars is distributed to local education agencies and targets eight hundred and seventy-three elementary and secondary schools with the highest percentages of children from low-income families to provide additional academic support and learning opportunities to address the academic needs for the benefit of approximately three hundred, eighty-four thousand and five hundred students throughout the state; and

Whereas, the state education agency is responsible for monitoring the effective use of Title I dollars through compliance reviews, and may, pursuant to federal regulation, temporarily withhold Title I payments to a local education agency if the state finds that a local education agency is in noncompliance with any applicable federal or state law or regulation or has been notified of a significant irregularity or problem with the administration of the funds based on a certified audit of such funds; and

Whereas, while a primary goal of Title I is to help disadvantaged students in elementary and secondary schools meet the same high standards expected of all students, continued funding is critical to the academic achievement of all children throughout the state, and any disruption or interruption of services can be devastating to financially strapped local school systems and may limit the opportunities for at-risk students to acquire the knowledge and skills necessary to succeed; and

Whereas, the Legislature of Louisiana recognizes it is ultimately the responsibility of

the local education agencies to document and implement the effective use of federal dollars and meet compliance requirements through federal and state law; and

Whereas, the Legislature of Louisiana also recognizes that the consequences of any disruption of services will adversely impact the economically and educationally disadvantaged child—the child for whom the program is intended to serve: Therefore, be it

*Resolved*, That the Legislature of Louisiana hereby memorializes the Congress of the United States to request the appropriate officials at the United States Department of Education to review the federal laws and guidelines with respect to assuring that the approved use of Title I funds to address the educational needs of students is not jeopardized in cases in which the management and implementation of such funds by a local education agency are being examined; be it further

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

POM-329. A Resolution adopted by the Senate of the Legislature of the State of Louisiana relative to a tax credit for companies for the cost of converting from groundwater to reclaimed water and to provide interest free loans to municipalities to construct waste water treatment/reclamation projects; to the Committee on Finance.

#### SENATE RESOLUTION NO. 27

Whereas, the Federal Energy Policy Bill is being debated in Congress and energy and electricity production are vital to Louisiana; and

Whereas, merchant power plants and other energy producers currently using groundwater should be encouraged to change to alternative sources; and

Whereas, the largest producers of waste water in the state are municipalities and many of those rural municipalities are facing tougher standards from the U.S. Environmental Protection Agency to update their waste water treatment systems yet these municipalities lack funding to do so; and

Whereas, by creating a market for the reclaimed water, the municipalities could justify the loans to build the waste water treatment facilities; and

Whereas, currently, companies have no incentive to spend the money necessary to convert to surface water or waste water because it is cheaper to mine the pure drinking water from the ground and allowing a tax credit to business to convert to reclaimed water would allow the companies to ultimately save money and to update their water collection/cooling systems;

Whereas, updating company technology would benefit the overall efficiency of the industrial facility and the environment; and

Whereas, Louisiana farmers would also benefit from increased water resources necessary for irrigation; and

Whereas, in order for a municipality to get the interest free loan, the municipality must agree to sell the reclaimed water to industry and other buyers at a cost lower than industry pays to mine groundwater: Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to provide a tax credit to companies for the cost of converting from groundwater to reclaimed water and provide interest free loans to municipalities to construct waste water treatment/reclamation projects; be it further

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

POM-330. A Resolution adopted by the Senate of the Legislature of the State of Alaska relative to the Pledge of Allegiance; to the Committee on the Judiciary.

SENATE RESOLVE NO. 2

Whereas this country was founded on religious freedom by founders, many of whom were deeply religious; and

Whereas the First Amendment to the United States Constitution embodies principles intended to guarantee freedom of religion both through the free exercise of religion and by prohibiting the government's establishing a religion; and

Whereas the Pledge of Allegiance was written by Francis Bellamy, a Baptist minister, and was first published in the September 8, 1892, issue of *Youth's Companion*; and

Whereas, in 1954, the United States Congress added the words "under God" to the Pledge of Allegiance; and

Whereas President Eisenhower, in adding these words, said "These words will remind Americans that despite our great physical strength we must remain humble. They will help us to keep constantly in our minds and hearts the spiritual and moral principles which alone give dignity to man, and upon which our way of life is founded."; and

Whereas, for nearly 50 years, the Pledge of Allegiance has included references to the United States flag and the country; this country, has been established as a union, "under God" being dedicated to securing "liberty and justice for all"; and

Whereas, in 1954, the United States Congress believed it was acting constitutionally when it revised the Pledge of Allegiance; and

Whereas the Senate of the 107th United States Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism; and

Whereas patriotic songs, engravings on United States legal tender, engravings on federal buildings, and the Preamble to the Constitution of the State of Alaska also contain general references to "God"; and

Whereas, in accordance with decisions of the United States Supreme Court, public school students cannot be forced to recite the Pledge of Allegiance without violating their First Amendment rights; and

Whereas the Congress expects that the United States Court of Appeals for the Ninth Circuit will rehear the case of *Newdow v. U.S. Congress*, en banc, and resolves to instruct the Senate Legal Counsel to seek to intervene in the case to defend the constitutionality of the Pledge of Allegiance; be it

*Resolved*, That the Alaska State Senate concurs with and supports the United States Senate in challenging the United States Court of Appeals for the Ninth Circuit in its decision of *Newdow v. U.S. Congress*, en banc.

POM-331. A Senate Concurrent Resolution adopted by the Legislature of the State of Louisiana relative to voluntary prayer in public schools; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 58

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

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

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

Whereas, a Joint Resolution was introduced in the 107th Congress, 1st Session, proposing an amendment to the Constitution of the United States to provide that neither the United States, nor any state shall establish an official religion, but that the people's right to pray and to recognize their religious beliefs, heritage and traditions on public property, including schools, shall not be infringed; and

Whereas, the Legislature of Louisiana has repeatedly expressed its support for the concept of voluntary prayer in public schools, including, most recently, a House Concurrent Resolution memorializing Congress to adopt and submit to the states a proposed amendment to the United State Constitution permitting prayer in schools; and

Whereas, while the United States does not have a provision for a national referendum, Congress may vote to place a national referendum on a constitutional amendment to allow prayer in public schools, thus allowing the true will of the people to be heard: Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to adopt and place on the ballot a national referendum on a constitutional amendment to allow voluntary prayer in public schools; be it further

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

POM-332. A Senate Concurrent Resolution adopted by the Legislature of the State of Louisiana relative to the creation of a Center of Excellence in Biological and Chemical Warfare Medicine in Louisiana; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 56

Whereas, with the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, and the anthrax attacks on Congress immediately following, Americans became acutely aware of the vulnerability of their homeland to attacks by terrorist organizations; and

Whereas, it is the duty of every level of government—federal, state, and local—to protect the citizens of this country from the consequences of all terrorist activities; and

Whereas, the resources necessary to provide this protection must be comprehensive so as to prevent, detect, or minimize any terrorist action and must be developed and be available for deployment as quickly as possible; and

Whereas, because of the state's significant investment in a public hospital system, the close proximity of the Louisiana State University and Tulane University Medical Schools, its widely recognized research facilities at the Pennington Biomedical Research Facility and the Louisiana State University Veterinary School and Agricultural Experiment Stations, Louisiana is uniquely positioned to conduct and coordinate research, clinical trials and applications, education, and outreach activities aimed at developing detection programs, prevention programs, and defenses that would mitigate and minimize the affect that biological and chemical agents would have on people, livestock, and agricultural crops; and

Whereas, the utilization of the vast compendium of research, clinical applications,

and education resources that already exist in Louisiana would facilitate the rapid development of vaccines, pharmaceuticals, and antidotes for the protection of humans, livestock, and agricultural crops from biological and chemical agents deployed by terrorist groups; and

Whereas, United States Senator Mary Landrieu and members of the Louisiana Congressional Delegation have undertaken efforts to create a Center of Excellence in Biological and Chemical Warfare Medicine which would lead to significant investment of federal funds in public health, animal health, and agricultural crop clinical applications, education, and research infrastructure which already exist in Louisiana thereby making Louisiana the preeminent location in the country for the development of protocols for surveillance, detection, prevention, and treatment for the protection of human and animal life and agricultural crops; and

Whereas, the designation of Louisiana for such a center would maximize the opportunity for the immediate development of appropriate and effective responses to biological and chemical terrorist activity and, at the same time, provide new economic opportunities for the state in an area that is in the forefront of Louisiana's new economic vision; and

Whereas, the state of Louisiana has undertaken efforts to become a national leader in the area of biomedical research: Therefore, be it

*Resolved*, That the Senate of the Legislature of Louisiana hereby expresses full support to the efforts of the Louisiana Congressional Delegation for the creation of a Center of Excellence in Biological and Chemical Warfare Medicine in Louisiana; be it further

*Resolved*, That the Senate of the Legislature of Louisiana further expresses that, utilizing the state's vast array of public and private clinical, research, and educational facilities, such a facility is in the best interest of the citizens of this state and this nation; be it further

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

POM-333. A Resolution adopted by the House of the General Assembly of the State of North Carolina relative to a Federal/State partnership to use local county veterans service officers to assist the United States Department of Veterans' Affairs in eliminating the veterans claims processing backlog; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION 1780

Whereas, the United States presently has a population of over 25 million veterans from its previous wars, with the majority of that veteran population from World War II and the Korean War; and

Whereas, the World War II and Korean War veteran population is presently over 70 years of age, and that group is passing away at the rate of 1,000 veterans per day; and

Whereas, the United States government has acknowledged its responsibility to provide medical care or compensation for medical problems, as well as other benefits, to those veterans who served their country in time of war; and

Whereas, the United States Department of Veterans Affairs is charged with administering the federal benefits program for veterans; and

Whereas, there presently exists a backlog of over 601,000 claims, some of which have been outstanding for one year or more; and

Whereas, a significant portion of these claims involve World War II and Korean War veterans, and despite determined efforts by the United States Department of Veterans Affairs to eliminate this backlog, the backlog continues; and

Whereas, there exists a trained group of individuals known as county veterans service officers located in 37 of the 50 states, representing 700 counties and a workforce of over 2,400 full-time local government employees; and

Whereas, these county veterans service officers were established in 1945 after World War II for the purpose of helping returning veterans reenter civilian life, and have continued to do so for all veterans of all wars since then; and

Whereas, these county veterans service officers are highly trained individuals who have continued to provide assistance to all veterans for over 50 years and are already familiar with the United States Department of Veterans Affairs claim policies and procedures; and

Whereas, for example, in North Carolina county veterans service officers annually assist North Carolina veterans obtain monetary benefits in excess of \$812,000,000 by assisting these veterans in filing over 50,000 claims annually with the United States Department of Veterans Affairs; and

Whereas, this claims processing backlog needs to be urgently reduced while our World War II and Korean War veterans are still with us; and

Whereas, the United States Department of Veterans Affairs could enter into a partnership with state and local governments to utilize these highly trained county veterans service officers to eliminate the present claims processing backlog by expanding the county veterans service officers' roles; and

Whereas, this would be a cost-effective way of reducing the claims processing backlog by eliminating the need for a substantial increase in federal employees; and

Whereas, these county veterans service officers, as represented by the North Carolina Association of County Veterans Service Officers and the National Association of County Veterans Service Officers, have offered to assist the United States Department of Veterans Affairs in exchange for block grants to the various states based upon each state's veterans population to compensate county veterans service officers for their expanded role; Now, therefore, be it

*Resolved by the House of Representatives:*

Section 1. The House of Representatives urges the Congress of the United States and the President to support and enact legislation that would establish a federal/state partnership to use the knowledge and skills of the local county veterans service officers to assist the United States Department of Veterans Affairs in eliminating the veterans claims processing backlog in order that America's veterans can take advantage of the benefits that the United States has authorized for them for their faithful and loyal service to a grateful nation.

Section 2. The Principal Clerk shall transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from North Carolina in the Congress of the United States.

Section 3. This resolution is effective upon adoption.

POM-334. A Resolution adopted by the Senate of the State of Alaska relative to the Pledge of Allegiance; to the Committee on the Judiciary.

SENATE RESOLVE NO. 2

Whereas this country was founded on religious freedom by founders, many of whom were deeply religious; and

Whereas the First Amendment to the United States Constitution embodies principles intended to guarantee freedom of religion both through the free exercise of religion and by prohibiting the government's establishing a religion; and

Whereas the Pledge of Allegiance was written by Francis Bellamy, a Baptist minister, and was first published in the September 8, 1892, issue of *Youth's Companion*; and

Whereas, in 1954, the United States Congress added the words "under God" to the Pledge of Allegiance; and

Whereas President Eisenhower, in adding these words, said "These words will remind Americans that despite our great physical strength we must remain humble. They will help us to keep constantly in our minds and hearts the spiritual and moral principles which alone give dignity to man, and upon which our way of life is founded."; and

Whereas, for nearly 50 years, the Pledge of Allegiance has included references to the United States flag and the country; this country, has been established as a union, "under God" being dedicated to securing "liberty and justice for all"; and

Whereas, in 1954, the United States Congress believed it was acting constitutionally when it revised the Pledge of Allegiance; and

Whereas the Senate of the 107th United States Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism; and

Whereas patriotic songs, engravings on United States legal tender, engravings on federal buildings, and the Preamble to the Constitution of the State of Alaska also contain general references to "God"; and

Whereas, in accordance with decisions of the United States Supreme Court, public school students cannot be forced to recite the Pledge of Allegiance without violating their First Amendment rights; and

Whereas the Congress expects that the United States Court of Appeals for the Ninth Circuit will rehear the case of *Newdow v. U.S. Congress*, en banc, and resolves to instruct the Senate Legal Counsel to seek to intervene in the case to defend the constitutionality of the Pledge of Allegiance; be it

*Resolved*, That the Alaska State Senate concurs with and supports the United States Senate in challenging the United States Court of Appeals for the Ninth Circuit in its decision of *Newdow v. U.S. Congress*, en banc.

POM-355. A Resolution adopted by the Senate of the State of Texas relative to bestowing the Congressional Medal of Honor to a citizen of the State of Texas; to the Committee on Armed Services.

SENATE RESOLUTION NO. 1206

Whereas, World War II hero Doris "Dorie" Miller exhibited unparalleled courage during the attack on Pearl Harbor, and this bravery has not received the just honors and recognition it merits; and

Whereas, A native Texan, Dorie was born in Waco in 1919 and enlisted in the United States Navy in 1939; and

Whereas, Dorie's ship, the USS *West Virginia* was among those attacked in the early morning of December 7, 1941; and

Whereas, With little regard for his own personal safety, the 22-year-old Dorie assisted his mortally wounded captain out of the line of fire to shelter; and

Whereas, While struggling back to the bridge amid heavy fire and detonating bombs, Dorie came upon a machine gun whose gunner had been killed; although Dorie had never been trained to use the weapon, he began firing at the Japanese planes with telling effect and continued firing until the crew was ordered to abandon the ship; and

Whereas, For his heroism on board the *West Virginia*, Dorie Miller received the Navy

Cross, the United States Navy's highest honor, from Admiral Chester Nimitz during a ceremony on the flight deck of the USS *Enterprise* at Pearl Harbor on May 27, 1942; Dorie was the first African American to receive the award; and

Whereas, Later assigned to the USS *Liscome Bay* in the Pacific, Dorie was on board on November 24, 1943, when the light aircraft carrier was sunk by a submarine; 272 sailors survived but 646 were lost, and Dorie was officially presumed dead a year and a day after the carrier went down; and

Whereas, Citizens across the State of Texas believe that Dorie Miller should be awarded the highest honor that a member of the United States Armed Forces can receive, the Congressional Medal of Honor; a man of great gallantry, Dorie Miller is entitled to the respect and gratitude of our nation; Now, therefore, be it

*Resolved*, That the Senate of the State of Texas, 77th Legislature, hereby respectfully request the Congress of the United States of America to bestow on Doris Miller the Congressional Medal of Honor; and, be it further

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

H.R. 2595: A bill to direct the Secretary of the Army to convey a parcel of land to Chat-ham County, Georgia.

H.R. 4044: To authorize the Secretary of the Interior to provide assistance to the State of Maryland and the State of Louisiana for implementation of a program to eradicate or control nutria and restore marshland damaged by nutria.

H.R. 4727: A bill to reauthorize the national dam safety program, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

\*Glenn Bernard Anderson, of Arkansas, to be a Member of the National Council on Disability for a term expiring September 17, 2002.

\*Barbara Gillcrist, of New Mexico, to be a Member of the National Council on Disability for a term expiring September 17, 2002.

\*Graham Hill, of Virginia, to be a Member of the National Council on Disability for a term expiring September 17, 2002.

\*Marco A. Rodriguez, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2002.

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

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first