

that "... the legislative department alone has access to the pockets of the people . . ."; and

Whereas, the same view is expressed by Alexander Hamilton, who asked rhetorically in *The Federalist* No. 33, "[w]hat is the power of laying and collecting taxes but a legislative power . . .?," and follows consistently in *The Federalist* No. 78, in which he argued that the judiciary should be the least dangerous branch of government inasmuch as judges would have "... no influence over either the sword or the purse . . ."; and

Whereas, yet today, Hamilton's argument no longer rings true; through legal orders and the exercise of judicial threat and intimidation, federal courts have usurped the role of the legislative branch and have gone so far as to apply it even to non-federal levels of government, mandating state and local requirements that have the direct, or indirect, effect of imposing judicial taxes upon the states and their political subdivisions; and

Whereas, in so vesting itself by fiat with control of the public purse strings, the federal judiciary has contravened and overridden the constitutional separation of powers between the different branches—and levels—of government, threatening creation of a fiscal oligarchy unbound to influence by the electorate; and

Whereas, the states and Congress have too long ignored this self-proclamation and seizure of taxation prerogatives, and it behooves all Americans to preserve their rights by the adoption of an amendment to the Constitution of the United States, re-establishing the fundamental link between taxation and representation; and

Whereas, seeking to reverse the aforementioned Jenkins decision of 1990, lawmakers in 23 other States—and in two territories of the United States—beginning in 1993, have already adopted and transmitted to Congress memorials requesting that Congress propose an amendment to the United States Constitution, and those memorials have been entered in the Congressional Record as follows:

the Missouri General Assembly in 1993 (Senate Concurrent Resolution No. 9) designated as POM-175 in Volume 139 of the Congressional Record at page 14565;

the Colorado General Assembly in 1994 (Senate Joint Memorial No. 94-2) designated as POM-569 in Volume 140 of the Congressional Record at page 15070;

the New York Senate in 1994 (Senate No. 3352) designated as POM-578 in Volume 140 of the Congressional Record at page 15073;

the Tennessee General Assembly in 1994 (Senate Joint Resolution No. 372) designated as POM-580 in Volume 140 of the Congressional Record at page 15074;

the Arizona Legislature in 1995 (Senate Concurrent Resolution No. 1014) designated as POM-523 in Volume 142 of the Congressional Record at pages 6586 and 6587;

the Louisiana Legislature in 1995 (Senate Concurrent Resolution No. 11) designated as POM-525 in Volume 142 of the Congressional Record at page 6587;

the Massachusetts Senate in 1995 (unnumbered resolution) designated as POM-625 in Volume 142 of the Congressional Record at pages 14940 and 14941 and designated as POM-638 at page 15486;

the Nevada Legislature in 1995 (Senate Joint Resolution No. 2) designated as POM-287 in Volume 141 of the Congressional Record at page 22422;

the Alaska Legislature in both 1996 and 1998 (House Joint Resolution No. 30 in 1996) designated as POM-622 in Volume 142 of the Congressional Record at pages 14939 and 14940; (House Joint Resolution No. 57 in 1998) designated as POM-515 in Volume 144 of the Congressional Record at page S9042;

the Michigan Legislature in 1996 (Senate Concurrent Resolution No. 278) designated as POM-444 in Volume 144 of the Congressional Record at page S5515;

the South Dakota Legislature in 1996 (House Concurrent Resolution No. 1010) designated as POM-526 in Volume 142 of the Congressional Record at page 6587;

the Delaware General Assembly in 1997 (House Concurrent Resolution No. 6) designated as POM-20 in Volume 143 of the Congressional Record at page S5252;

the Alabama Legislature in 1998 (House Joint Resolution No. 261) designated as POM-416 in Volume 144 of the Congressional Record at page S9405;

the Oklahoma Legislature in 1998 (Senate Concurrent Resolution No. 50) designated as POM-479 in Volume 144 of the Congressional Record at pages S6404 and S6405;

the Illinois Senate in 1999 (Senate Resolution No. 216) designated as POM-449 in Volume 146 of the Congressional Record at page S1814 and designated as POM-512 at page S3611;

the Utah Legislature in 1999 (House Joint Resolution No. 5) designated as POM-285 in Volume 145 of the Congressional Record at page S9945;

the Kansas Legislature in 2000 (House Concurrent Resolution No. 5059) designated as POM-527 in Volume 146 of the Congressional Record at page S4378;

the New Hampshire General Court in 2000 (House Concurrent Resolution No. 27) designated as POM-531 in Volume 146 of the Congressional Record at page S6469;

the Pennsylvania General Assembly in 2000 (Senate Resolution No. 47) designated as POM-642 in Volume 146 of the Congressional Record at pages S11788 and S11789;

the South Carolina General Assembly in 2000 (House Concurrent Resolution No. 4434) designated as POM-641 in Volume 146 of the Congressional Record at page S11575;

the West Virginia Legislature in 2000 (House Concurrent Resolution No. 5) designated as POM-442 in Volume 146 of the Congressional Record at page S1669;

the House of Representatives of the Commonwealth of the Northern Mariana Islands—a territory of the United States—in 2000 (House Resolution No. 12-109) designated as Memorial No. 1 in Volume 147 of the Congressional Record at page H111; as well as the Senate of the Commonwealth of the Northern Mariana Islands, likewise in 2000 (Senate Resolution No. 12-33) designated as POM-46 in Volume 147 of the Congressional Record at page S4244;

the North Dakota Legislative Assembly in 2001 (House Concurrent Resolution No. 3031) designated as POM-7 in Volume 147 of the Congressional Record at pages S3704 and S3705;

the Legislature of the United States Territory of Guam in 2001 (Resolution No. 6) designated as POM-357 in Volume 148 of the Congressional Record at page S10570; and

the Wyoming Legislature in 2002 (Senate Joint Resolution No. SJ003, later styled Enrolled Joint Resolution No. 2) designated as POM-250 in Volume 148 of the Congressional Record at pages S5630 and S5631: Now, therefore, be it

*Resolved*, That the House of Representatives of the 78th Legislature of the State of Texas, Regular Session, 2003, hereby memorialize the United States Congress to propose and submit to the states for ratification an amendment to the United States Constitution to prohibit all federal courts from ordering or instructing any state or political subdivision thereof, or an official of any state or political subdivision, to levy or increase taxes; and be it further

*Resolved*, That the Congress be respectfully requested to entertain the following suggested text for such an amendment:

"Article Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes"; and be it further

*Resolved*, That the chief clerk of the Texas House of Representatives forward official copies of this resolution to the vice president of the United States, to the speaker of the United States House of Representatives, and to all members of the Texas delegation to the Congress, with the request that this resolution be entered officially in the Congressional Record as a memorial to the Congress of the United States of America to propose for ratification a federal constitutional amendment to prohibit judicially imposed taxes.

POM-314. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to visas for temporary agricultural workers; to the Committee on the Judiciary.

#### HOUSE RESOLUTION NO. 314

Whereas, the tragic events of September 11, 2001, have caused us to reexamine a host of policies and practices to do all we can to increase the security of our state and nation. Because of the magnitude of the attacks and the fact that murderers plotted the attacks over a long period of time, we are now making greater efforts to address the issue of aliens who are here illegally; and

Whereas, as the issue of immigration is closely examined, it is imperative that our nation remember the vitally important role that law-abiding aliens play in our country. Temporary workers meet a necessary and productive need in many sectors of our economy. This is most apparent in the area of agriculture. Michigan, which benefits greatly from the efforts of seasonal agricultural workers, especially from Mexico, is keenly aware of how much these workers contribute to our state; and

Whereas, the country's policies toward temporary agricultural workers need to be assessed in the context of the importance of these people to our nation. The current number of visas for temporary agricultural workers may not be sufficient. If this number is too low, it may have the effect of increasing the number of aliens here without documentation, even though seasonal farm workers would rather be here by following all of the regulations. The current program used for temporary agricultural workers visa processing (H2A) should be reformed. Making the process of gaining the proper visa smoother and increasing the number of these workers who can be here lawfully may well benefit the economy as well as increase national security: Now, therefore, be it

*Resolved by the house of representatives*, That we memorialize the Congress of the United States and the Immigration and Naturalization Service to determine the appropriateness of increasing the number of visas for temporary agricultural workers, 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, the members of the Michigan congressional delegation, and the Immigration and Naturalization Service.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany S. 1293, A bill to criminalize the sending of predatory and abusive e-mail (Rept. No. 108-170).

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. COLLINS for the Committee on Governmental Affairs.

Joseph Michael Francis Ryan III, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Jerry Stewart Byrd, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Brian F. Holeman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Craig S. Iscoe, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

\*Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2007.

By Mr. CAMPBELL for the Committee on Indian Affairs.

\*David Wayne Anderson, of Minnesota, to be an Assistant Secretary of the Interior.

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

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

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SANTORUM (for himself and Mr. CARPER):

S. 1773. A bill to permit biomedical research corporations to engage in certain equity financings without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mrs. CLINTON, Mr. CORZINE, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. LEVIN, Mr. REED, and Mr. SCHUMER):

S. 1774. A bill to repeal the sunset provisions in the Undetectable Firearms Act of 1988; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. GRAHAM of South Carolina, and Mr. TALENT):

S. 1775. A bill to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002; to the Committee on Health, Education, Labor, and Pensions.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MILLER:

S. Res. 249. A resolution to strike paragraph 2 of rule XXII of the Standing Rules of

the Senate, relating to cloture; to the Committee on Rules and Administration.

By Mrs. CLINTON (for herself, Mr. SHELBY, Mrs. LINCOLN, Mr. DEWINE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. HAGEL, and Mr. MILLER):

S. Con. Res. 74. A concurrent resolution expressing the sense of the Congress that a postage stamp should be issued as a testimonial to the Nation's tireless commitment to reuniting America's missing children with their families, and to honor the memories of those children who were victims of abduction and murder; to the Committee on Governmental Affairs.

### ADDITIONAL COSPONSORS

S. 286

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 286, a bill to revise and extend the Birth Defects Prevention Act of 1998.

S. 392

At the request of Mr. REID, the names of the Senator from Connecticut (Mr. DODD) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 392, a bill to amend title 10, 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.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 478

At the request of Mr. SARBANES, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 816

At the request of Mr. CONRAD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 816, a bill to amend title XVIII of the Social Security Act to protect and preserve access of medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes.

S. 877

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

At the request of Mr. MCCAIN, his name and the name of the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 877, supra.

S. 976

At the request of Mr. WARNER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of

S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 985

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1098

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1098, a bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate.

S. 1143

At the request of Mrs. HUTCHISON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1143, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1297

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1297, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1369

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1369, a bill to ensure that prescription drug benefits offered to medicare eligible enrollees in the Federal Employees Health Benefits Program are at least equal to the actuarial value of the prescription drug benefits offered to enrollees under the plan generally.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1380, a bill to distribute universal