

report of a rule entitled "Return of Partnership Income" (TD 9177) received February 14, 2005; to the Committee on Finance.

### 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-1. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Speciality Crop Competitiveness Act; to the Committee on Agriculture, Nutrition, and Forestry.

#### SENATE RESOLUTION NO. 279

Whereas, in 2001, Congress provided for speciality crop block grant program to address difficult circumstances in speciality crop segments of American agriculture. Through this single-year program, states, including Michigan, administered grants that helped speciality crop producers, processors, and commodity organizations conduct research, revamp marketing and promotion, and improve inspection efforts; and

Whereas, the speciality crop block grant program, which is distinct from traditional farm assistance programs, was successful, especially in Michigan, in fostering improvement in the competitiveness of many crop areas through a focus on specific projects. The program's impact on Michigan agriculture was widespread; and

Whereas, Congress has before it a measure that would authorize a permanent speciality crop block grant program. The Speciality Crop Competitiveness Act, H.R. 3242, would be a most effective way to increase the competitiveness of American agriculture in our fast-changing global economy. With the great diversity of Michigan's farms, our state has a major stake in this legislation: Now, therefore, be it

*Resolved by the Senate*, That we memorialize the Congress of the United States to enact the Speciality Crop Competitiveness Act; and be it further

*Resolved*, That copies of the resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-2. A Joint Resolution adopted by the Assembly of the State of California relative to speciality crops; to the Committee on Agriculture, Nutrition, and Forestry.

#### ASSEMBLY JOINT RESOLUTION NO. 69

Whereas, rapid conversion of California's farm and ranch lands for nonfarm use has contributed to the state's increased dependence upon imported food; and

Whereas, according to the National Agricultural Statistical Service of the United States Department of Agriculture, 3.7 million acres of farm land (more than 10 percent of total farm land) was lost between 1990 and 2003; and

Whereas, increased dependence upon imported foods has created increased vulnerability to exotic pests and diseases, evidenced by 63,527 shipments of prohibited commodities intercepted and destroyed or shipped back out-of-state in 2002; and

Whereas, according to the California Department of Food and Agriculture's (hereafter CDFA) January 2004 report Protecting California from Biological Pollution, interception of quarantined pests at point-of-entry is the state's primary defense against the introduction and spread of biological pollution; and

Whereas, every dollar spent on early intervention against exotic and invasive species,

on average prevents seventeen dollars (\$17) in later expenses, as seen by the following:

(a) CDFA Plant Health Pest Prevention Services spent two hundred fifty-eight million dollars (\$258,000,000) to eradicate Mediterranean fruit fly infestations between 1980 and 1996. Just four million four hundred thousand dollars (\$4,400,000) has been spent since the Medfly Exclusion Program was launched in 1996.

(b) CDFA Animal Health & Food Safety Services in 2002 reported that Exotic Newcastle Disease, the most fatal vital disease known to birds, required more than 3.4 million birds to be destroyed at a cost of more than three million six hundred thousand dollars (\$3,600,000) to California and one hundred sixty-six million four hundred thousand dollars (\$166,400,000) to the federal government.

Whereas, pest and disease prevention and exclusion is critical to all states of this nation and to our populations, in order to protect the health and welfare of the public and the jobs within agriculture and its related industries; and

Whereas, the California Legislature recognizes the importance of the partnership between federal and state governments to protect California's food and fiber from exotic pests and diseases, and the importance of promoting the role local agriculture has in supporting the daily living needs of all Californians and United States citizens; and

Whereas, the Legislature recognizes the farm worker's importance to agriculture production and the dependence of rural economies on agriculture; and

Whereas, the California Legislature recognizes the role the United States Congress played in delivering the 64 million dollar grant from the United States Department of Agriculture in 2001, which was the basis for the Buy California Initiative promoting California Grown products; and

Whereas, the California Legislature recognizes the value of federal funds available to support important programming including the Western Institute for Food Safety managed by the University of California at Davis; the 5 A Day For Better Health Nutrition Education Campaign managed by the state Department of Health Services; and the Linking Education, Activity and Food (LEAF) Program managed by the state Department of Education; and

Whereas, the California Legislature believes that there is a need, but no state funding, to expand programs that integrate food nutrition and schools, including, but not limited to, local fresh fruits and vegetables in school lunch programs, and educating school officials about on the seasons of state grown speciality crops; and

Whereas, the United States Congress currently is considering HR 3242, the Speciality Crop Competitiveness Act of 2003; and

Whereas, HR 3242 would continue the essential federal funding that started in 2001 that helped to support California's increasingly challenged food and fiber production infrastructure with the tools necessary to support food and fiber security, nutrition, and education: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully requests that the Congress of the United States of America support the passage of HR 3242, the Speciality Crop Competitiveness Act of 2003; and be it further

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

POM-3. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Medal of Honor for Valor; to the Committee on Armed Services.

#### HOUSE RESOLUTION NO. 848

Whereas, during the invasion of the Philippine Islands, Sgt. Harvey Possinger, a resident of Stroud Township, Monroe County, went above and beyond the call of duty by rescuing two of his fellow soldiers, Emil Angel and Paul Baehr, who were under intense mortar fire at Belete Pass, despite being seriously injured himself; and

Whereas, in spite of his wounds, Sgt. Possinger selflessly administered medical assistance to Emil Angel, inspiring his unit, B company, which two days later secured the area with the help of reinforcements and enabled the Allied campaign to move forward; and

Whereas, Sgt. Possinger is a highly decorated combat veteran of World War II, receiving five Purple Hearts, a Distinguished Service Cross, a Silver Star and a Bronze Star for his three years of outstanding military service; and

Whereas, Sgt. Possinger's commanding officer nominated him for the Medal of Honor 60 years ago, but the nomination was lost, destroyed or misfiled; and

Whereas, the Congress has rendered no decision on the matter: Therefore be it

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress to award the Medal of Honor to Sergeant Harvey Possinger without further delay; and be it further

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

POM-4. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to stabilizing the steel market; to the Committee on Banking, Housing, and Urban Affairs.

#### SENATE RESOLUTION NO. 241

Whereas, for many years, manufacturers in our country and throughout our state have wrestled with fluctuations in the prices of steel. There are many contributing factors, including the notable impact of other nations subsidizing raw steel products and "dumping" them on the American market. The cumulative impact of this instability has been damaging to many key industries; and

Whereas, a very significant and harmful development of late is a steep rise in the cost of scrap steel. In only a few months, major increases in purchases of scrap steel by other countries, especially China and South Korea, have resulted in skyrocketing costs of scrap steel, a key source of materials used by manufacturers of many types of products, especially within the automotive industry; and

Whereas, dramatically escalating scrap steel costs are a serious threat to numerous auto supply companies throughout Michigan. These companies rely upon the availability of this material at fair prices to fill their contracts with the major automakers. This situation is a major factor threatening Michigan jobs in many communities. The seriousness of this threat to jobs and our nation's manufacturing capacity requires swift action to bring stability to this market: Now, therefore, be it

*Resolved by the Senate*, That we memorialize the President and the Congress of the United States to explore what steps might be necessary to stabilize the steel market in this country in order to ensure the availability of this raw material for domestic

market needs and help contain escalating prices; and be it further

*Resolved*, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-5. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the transportation of liquid petroleum; to the Committee on Commerce, Science, and Transportation.

#### HOUSE RESOLUTION NO. 320

Whereas, regulations restricting hours of service of motor transport workers contribute to public safety as goods are handled and moved across the country. As technology and equipment have changed, these regulations have also evolved. The Federal Motor Carrier Safety Administration sets these standards to respond to changes that occur and situations where the regulations clearly need to be adjusted; and

Whereas, the overall impact of hours of service regulations can vary significantly from industry to industry. Currently, for those hauling and delivering liquid petroleum products, the regulations provide that a person doing so must take 10 consecutive hours off for every 14 hours worked. Companies that transport liquid petroleum locally, however, are finding that these restrictions are a hindrance to their ability to operate effectively and efficiently; and

Whereas, the most effective laws and regulations bring balance to the situation or issue in question. The regulations that determine the hours of service for a person transporting liquid petroleum locally need to be modified to reflect the vastly dissimilar nature of their jobs from others transporting similar products: Now, therefore, be it

*Resolved by the House of Representatives*, That we memorialize the Congress of the United States and the United States Department of Transportation to exempt local liquid petroleum distribution personnel from federal regulations that require 10 hours of off duty for every 14 hours on duty; and be it further

*Resolved*, That copies of this resolution be transmitted to the United States Department of Transportation, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-6. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the confirmation of the United States Secretary of Commerce, to the Committee on Commerce, Science, and Transportation.

#### SENATE RESOLUTION NO. 307

Whereas, President Bush has nominated Mr. Carlos Gutierrez, the CEO of Kellogg Company, as the new Secretary of Commerce. With the work Mr. Gutierrez has undertaken throughout his long and distinguished career with one of Michigan's best known international businesses and the record he has compiled in community life in Battle Creek, the people of Michigan harbor strong feelings of respect and admiration for this talented and visionary gentleman; and

Whereas, Carlos Gutierrez clearly embodies the American Dream in the path his life has taken. He came to the United States as a young boy with his brother and parents, refugees from Cuba beginning their lives anew. He proudly became an American citizen, and he has never lost sight of the significance of the opportunities and the re-

sponsibilities before all of us in this country. His rise from selling cereal out of a van in Mexico City to becoming the head of Kellogg is an amazing tale of hard work and personal integrity; and

Whereas, over the course of his career, Carlos Gutierrez has gained invaluable understanding of the crucial issues of manufacturing and trade in the international marketplace. He has excelled in a wide range of posts, representing Kellogg in Latin America, Canada, and the Asia-Pacific region. Since becoming the CEO in 1999, Mr. Gutierrez has had to make difficult decisions with strong impacts on the economy of Battle Creek and Michigan. His leadership in the face of challenging circumstances has brought significant strength to the company over the past five years; and

Whereas, as our country deals with the new realities of the global economy, Mr. Gutierrez's experiences and insights are just what our nation's businesses and working families need. Our nation will be well served by his diligence, character, and talent: Now, therefore, be it

*Resolved by the Senate*, That we offer our strong endorsement of Carlos Gutierrez and urge the United States Senate to confirm him as the United States Secretary of Commerce; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate and Senators Levin and Stabenow.

POM-7. A Joint Resolution adopted by the Assembly of the State of California relative to the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

#### ASSEMBLY JOINT RESOLUTION NO. 5

Whereas, the United States Coast Guard is a military, multimission, maritime service that has answered the calls of America continuously for over 210 years; and

Whereas, over that history the Coast Guard's roles as lifesavers and guardians of the sea have remained constant, while their missions have evolved and expanded with a growing nation; and

Whereas, the Coast Guard mission is to protect the American public's most basic need, our safety and security, the environment, and our economy; and

Whereas, the Coast Guard responds to more than 50,000 calls for assistance and saves thousands of lives and billions of dollars in property; and

Whereas, the Coast Guard's five operating goals: safety; protection of natural resources; mobility; maritime security; and national defense, define the focus of the Coast Guard's service and enable it to touch everyone in the United States; and

Whereas, the goal of safety is pursued primarily through its search and rescue and marine safety missions; and

Whereas, no other government agency or private organization has the extensive inventory of assets and expertise to conduct search and rescue of both recreational boaters as well as commercial mariners, from the lakes, rivers, and nearshore areas to the high seas; and

Whereas, the Coast Guard provides the first line of defense in protecting the maritime environment through the marine safety program, ensuring the safe commercial transport of passengers, cargo, and oil through our waters, and by guarding our maritime borders from incursions from foreign fishing vessels; and

Whereas, the Coast Guard serves as a global model of efficient military, multimission, maritime service for the emerging coast guards of the world and helps friendly coun-

tries become positive forces of peace and stability, promoting democracy and the rule of law; and

Whereas, Coast Guard men and women are a highly motivated group of people who are committed to providing essential and valuable service to the American public; and

Whereas, the Coast Guard military structure, law enforcement authority, and humanitarian functions make the Coast Guard a unique arm of national security enabling it to support broad national goals; and

Whereas, the Coast Guard is well known for being the first to reach the scene when maritime disaster strikes, and continues to be tasked with protecting our waters from pollution, our borders from drug smuggling, and our fisheries from overharvest as well as additional assignments that stretch its people and resources thin: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California urges the President and Congress of the United States to fully fund the Coast Guard's operational readiness and recapitalization requirements to ensure this humanitarian arm of our National Security remains Semper Paratus through the 21st century; 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 and all members of Congress of the United States.

POM-8. A joint resolution adopted by the Assembly of the State of California relative to space exploration; to the Committee on commerce, Science, and Transportation.

#### ASSEMBLY JOINT RESOLUTION NO. 86

Whereas, the United States is a nation of explorers; and

Whereas, exploration and discovery have been especially important to the American experience, providing vision, hope, and economic stimulus, from new world explorers and American pioneers to the Apollo program; and

Whereas, just as Lewis and Clark could not have predicted the settlement of the American west within a hundred years of the start of their famous 19th century expedition, the total benefits of a single exploratory undertaking or discovery cannot be predicted in advance; and

Whereas, the desire to explore is part of our character, and history has shown that space exploration benefits all humankind through new technologies for everyday application, new jobs across the entire economic enterprise, economic contributions through new markets and commercial products, education and inspiration, United States leadership, increased security, and a legacy for future generations; and

Whereas, new technologies and commercial spin-offs from the advancements made through National Aeronautics and Space Administration (NASA) programs have provided economic expansion and improved life quality to residents not only within the United States, but worldwide, and some of these technologies include the following:

(a) Image processing used in CT scanners and MRI technology came from technology developed to computer-enhance pictures of the moon for the Apollo program

(b) Kidney dialysis machines were developed as a result of a NASA-developed chemical process, and insulin pumps were based on technology used on the Mars Viking spacecraft.

(c) Programmable heart pacemakers were first developed in the 1970's using NASA satellite electrical systems.

(d) Fetal heart monitors were developed from technology originally used to measure airflow over aircraft wings.

(e) Surgical probes used to treat brain tumors resulted from special lighting technology developed for plant growth experiments on space shuttle missions.

(f) Infrared hand-held cameras used to observe atmospheric gas plumes in space from the space shuttles have helped firefighters point out hot spots in wild fires; and

Whereas, this state has been a leader in the research, design, exploration, and development of space enterprise since the dawn of the space age; and

Whereas, space is a \$24.2 billion enterprise in this state and generates 133,000 direct and indirect jobs scattered throughout the entire state; and

Whereas, our nation's new vision for space exploration charts a new, building block strategy to explore destinations across our solar system with robots and humans, allowing our nation to remain competitive in the new industry of space commerce; and

Whereas, the research and development necessary to rely on the initial robotics goal is uniquely suited for the three NASA centers located in our state; and

Whereas, the three NASA centers in this state—Ames Research Center in Santa Clara County, Dryden Flight Research Center in Antelope Valley, and the Jet Propulsion Laboratory in La Cañada Flintridge jointly employ 7,250 people and maintain a payroll in excess of \$300 million; and

Whereas, NASA's economic benefit to this state already tops \$3 billion annually, including over \$175 million worth of science and engineering grants to California's public and independent universities, and the proposed vision for space exploration is expected to strengthen this economic impact: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Congress and the President of the United States is requested to enact and fully fund the proposed budget for space exploration, as submitted to the Congress in the federal 2005 fiscal year budget, to enable the United States and California, in particular, to remain a leader in the exploration and development of space; and be it further

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

POM-9. A Senate Concurrent Resolution adopted by the General Assembly of the State of Ohio relative to the funding of the National Aeronautics and Space Administration's Vision for Space Exploration Program; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION NO. 32

Whereas, the United States has a proud heritage of leading the world in exploration and discovery on land, under the seas, and in outer space. This heritage of expanding the boundaries of our national experience has been paramount in American priorities from the days of Lewis and Clark through the exploration of the moon's surface by the Apollo astronauts and of the surface of Mars using the Mars Rovers; and

Whereas, the expansion of America's exploration boundaries from the original 13 states to the lunar surface in the relatively short period of 200 years has led to immeasurable benefits to all humankind through the development of new technologies, the creation of jobs across the entire economic spectrum, economic growth through the creation of new commercial products and markets, the

creation of advanced educational opportunities, and the establishment of a legacy for future generations; and

Whereas, the potential of space exploration has ignited American students' interests in science, technology, engineering, and mathematics. In particular, the National Aeronautics and Space Administration (NASA) Glenn Research Center's education programs are exemplary in inspiring the next generation of explorers; and

Whereas, the State of Ohio has long played a leading role in America's exploration initiatives, especially in our nation's aeronautics and space program. Ohio is the home of Orville and Wilbur Wright, 24 past and present astronauts, including former United States Senator and astronaut John Glenn and former astronaut Neil Armstrong, and countless other air and space pioneers at every level of research and exploration; and

Whereas, Ohio also is home to two federal laboratories, NASA Glenn Research Center and Wright Patterson Air Force Research Laboratory, both recognized by the United States Department of Commerce for their outstanding innovative activities contributing to economic development; and

Whereas, the NASA Glenn Research Center is a world-renowned center for the research and development of many cutting-edge technologies, especially power, propulsion, communications, and microgravity research. It also is a model of creating a consortium of university, government, and private sector entities to foster collaborative research and development. Finally, the Center is the winner of 89 of the 141 R & D 100 Awards granted to NASA since 1966, including the first NASA R & D 100 Award; and

Whereas, the talent, technology, and infrastructure exist in Ohio to provide resources that will be key to carrying out NASA's future missions: Now therefore be it

*Resolved,* That we, the members of the 125th General Assembly of the State of Ohio, support the continuation of research and development programs in space science missions in order to take full advantage of the previous investments made in the space stations and other NASA infrastructure, support NASA's goal of returning to the moon as well as conducting excursions to Mars and beyond and hereby encourage the United States Congress to enact and fully fund the proposed Vision for Space Exploration Program as submitted to the Congress in the fiscal year 2005 budget in order to enable the United States and Ohio in particular, to remain a leader in the exploration and development of space; and be it further

*Resolved,* That the Clerk of the Senate transmit copies of this resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, the members of the Ohio Congressional delegation, and to the news media of Ohio.

POM-10. A Senate Concurrent Resolution adopted by the General Assembly of the State of Ohio relative to mandatory, national electric transmission reliability standards; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION NO. 26

Whereas, on August 14, 2003, a massive failure of the electric transmission grid caused a blackout affecting the personal and economic lives of over 50 million citizens in the Northeastern and Midwestern areas of the United States, as well as in parts of Canada; and

Whereas, cited as one reason for the August 14 electric system collapse was inadequate reliability management that affected

the integrity of the system, created an imbalance between supply and demand, and exposed poor protocol practices and communication between overseers of the grid; and

Whereas, the result of these failures in grid management, combined with other factors, was the cascading shutdown of the electric grid, causing an electricity blackout of a magnitude unequalled in the history of the United States; and

Whereas, electricity is a necessity integral to our health, safety, and economic well-being; and

Whereas, the system reliability that is so crucial to our lives currently is governed by voluntary, nonuniform, and often conflicting standards, wholly inadequate to accommodate the modern day electricity market and ever-growing demand in electricity usage; and

Whereas, with the increasing demand for more electricity and market transaction use of the grid, the issues of reliability and coordination in the delivery of electricity become paramount; and

Whereas, the electric grid originally was designed and constructed to accommodate the transportation of generation plant electrical output dedicated to utility service area customers and interconnections with other utilities has served as a means of ensuring greater electric supply reliability; and

Whereas, there is an ever-growing demand on the electric transmission grid to be used for the long-distance transportation of increasing amounts of electricity, in patterns and manners far different than those contemplated in the original design and construction of the grid; and

Whereas, investments in our country's electric grid have declined for decades, even as the demand for grid use has increased; and

Whereas, the declining trend in grid investment requires federal and state regulatory certainty, to ensure grid reliability and encourage investment that enhances and expands the grid to accommodate present and future demands on the national electric system; and

Whereas, the United States Supreme Court recently recognized that the transmission of electricity is inherently interstate commerce: Therefore be it

*Resolved,* That we, the members of the 125th Ohio General Assembly, in adopting this resolution, request that the United States Congress enact laws enabling a national entity to establish and enforce national standards and protocols for the reliability and efficient management of the national electric grid, irrespective of region; and be it further

*Resolved,* That the members of the Ohio General Assembly also request Congress to enact laws that ensure that the Federal Energy Regulatory Commission (FERC) has oversight regarding the national electric grid reliability entity; and be it further

*Resolved,* That the members of the Ohio General Assembly request that Congress enact laws that ensure FERC authority to require electric transmission owners to participate in an appropriate regional transmission organization, to advance reliability goals in complement with similar mandates of the State of Ohio and other states; and be it further

*Resolved,* That the members of the Ohio General Assembly request that Congress immediately take these actions to protect and enhance the reliability of the national grid for the health, safety, security, and economic viability of the American people; and be it further

*Resolved,* That the Clerk of the Senate transmit duly authenticated copies of this resolution to the Speaker and Clerk of the

United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

POM-11. A Joint Resolution adopted by the Assembly of the State of California relative to veterans' home loan programs; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 17

Whereas, the States of Alaska, California, Oregon, Texas, and Wisconsin have established veterans' home loan programs; and

Whereas, the State of Alaska, California, Oregon, Texas, and Wisconsin have authority in the Internal Revenue Code to issue qualified veteran mortgage bonds to finance their respective veteran home loan programs; and

Whereas, veterans' eligibility under current federal tax law restricts the eligibility to veterans who served on active duty prior to January 1, 1997; and

Whereas, the federal tax law devalues the service to our country given by those men and women who have served in the military of the United States since 1977 by denying them access to a benefit that has been available to their counterparts from other eras; and

Whereas, service in uniform should be accorded the same respect and stature irrespective of the moment in time during which it was provided. The men and women who have served since 1977 should have the same opportunity to take root in the communities they have defended as was offered those who "made the world safe for democracy" in World War II, or were called upon to "pay any price, bear any burden, support any friend or oppose any foe to ensure the survival and success of liberty . . ." during the Vietnam and Cold War eras; and

Whereas, the Directors of Veterans Affairs of the States of Alaska, California, Oregon, Texas, and Wisconsin are desirous of extending their respective veteran home loan programs to include the men and women of the United States of America who are dispatched to participate in any conflict that has occurred or will occur on or after January 1, 1977; and

Whereas, nearly 3 million veterans reside in California. Of those, 1.05 million, began their active military service on or after January 1, 1977, and over one-quarter million of those served in Desert Storm; and

Whereas, since 1922, California has operated, at no expense to its General Fund, the Cal-Vet Farm and Home Loan Program. Cal-Vet is a qualified veterans mortgage bond (OVMB) program that has helped 408,000 California veterans become homeowners; and

Whereas, opening participation in this home loan benefit to post-1976 veterans requires no direct budget expenditure by Congress and the well-established benefits of home ownership to local communities will be enhanced and expanded; and

Whereas, veterans of all conflicts should receive benefits consistent with the benefits available to veterans of previous armed conflicts; and

Whereas, those veterans have been qualified for eligibility into congressionally chartered veterans' organizations by prior acts of the Congress of the United States: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to urge the Congress of the United States to amend paragraph (4) of Section 143(l) of the Internal revenue Code of 1986 to read: "(6) Qualified veteran—For purposes of this subsection, the term 'qualified

veteran' means any veteran—(A) who meets such requirements as may be imposed by the State law pursuant to which qualified veterans' mortgage bonds are issued"; 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, and to the Speaker of the House of Representatives, the President of the Senate, and each Member in the Congress of the United States.

POM-12. A Joint Resolution adopted by the Assembly of the State of California relative to border crossing deaths; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION NO. 15

Whereas, on May 24, 2001, following an extensive rescue search by the United States Border Patrol, 25 migrants who were abandoned by their smugglers were found in the Cabeza Prieta National Wildlife Refuge in southwest Arizona; and

Whereas, after being driven for one and one-half hours through the wildlife refuge, the migrants were told by the smugglers that it was only a short walk to a nearby highway; and

Whereas, in fact, in order to reach their destination the migrant were required to travel across 70 miles of harsh desert in an area known as "The Devil's Path" and endure air temperatures in excess of 115 degrees and desert floor temperatures of 130 degrees; and

Whereas, fourteen of those victims died of exposure and dehydration and 11 survivors were hospitalized in the deadliest crossing of the border since 1987, when 18 Mexican men died in a locked boxcar near Sierra Blanca, Texas; and

Whereas, since 1994, border enforcement initiatives such as "Operation Gatekeeper" on the California-Mexico border have increased patrols and constructed steel walls near urban areas, forcing migrants to make more dangerous crossings in rural, often open desert areas; and

Whereas, most migrants are unaware and unprepared to make a desert crossing, thereby leading to a substantial increase in fatalities due to dehydration in the summer and hypothermia in cold weather; and

Whereas, deaths of migrants along the desert areas of the border have increased exponentially since the implementation of these initiatives, with reported deaths increasing from 25 in 1994 to 369 in 1999 and 491 in 2000, according to figures released by the Mexican government, as well as an unknown number of undiscovered and unreported deaths; and

Whereas, as a result of the increase in border crossings and deaths in these desert areas, concerns have been expressed by humanitarian organizations, civil rights organizations, churches, and the Mexican government that the United States Border Patrol's current enforcement program effectively is operating as a channeling operation, rather than a general border interdiction program; and

Whereas, immediately after this incident both the United States and Mexican governments jointly announced that they were launching an investigation of the incident, issued a statement condemning the actions of smugglers, and reaffirmed their commitment to combat the trafficking of migrants; and

Whereas, both governments also recognized the need for the two nations to continue to work together to reach agreements on migration and border safety; and

Whereas, President George W. Bush and President Vicente Fox have established a

high-level working group on migration co-chaired by Attorney General John Ashcroft and Secretary Colin Powell of the United States and by Mexico's Foreign Secretary and its Secretary of Government; and

Whereas, this working group on migration and border safety plans to continue to meet to discuss specific measures to prevent future occurrences of these tragedies and to promote safe and orderly migration; and

Whereas, at a minimum, the potential solutions to this tragic problem require a comprehensive examination of the consequences of border initiatives, enhanced investigations by the Mexican government of criminal gangs of smugglers, providing the United States Border Patrol with increased search and rescue resources such as lifesaving gear and emergency medical training, and consensus on a long-term agreement between the United States and Mexico on migration and border security policies: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California urges the President and Congress of the United States and the United States Border Patrol to proceed in a cooperative effort with the Mexican government through the working group on migrations and border safety to achieve a comprehensive examination of border safety and migration issues, an assessment of the impact of United States border initiatives, enhanced investigations and prosecutions of criminal gangs of smugglers, and increasing search and rescue operations along the border; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, all members of the Congress of the United States, and the Mexican Consulate in Washington, D.C.

POM-13. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to the preferred approach through which to exercise self-determination concerning the status of Puerto Rico; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 107

The right of the People to freely choose their system of government and their political destiny in relation to the other countries is an inalienable natural right: neither can legislation contrary to this right be admitted nor can a regime or legislation contrary to the full exercise of this right be admitted. This is thus consigned in several resolutions of the General Assembly of the United Nations Organization applicable to Puerto Rico.

The regime of the political relations between Puerto Rico and the United States of America remained subject for future deliberation since the conclusion of the deliberations of the Constitutional Convention on the political status of the People of Puerto Rico in 1952, which drafted the Constitution of the Commonwealth of Puerto Rico. This by virtue of Public Law 600 of the 81st Congress of the United States of 1950, adopted in a referendum held in Puerto Rico, which limited the deliberative and governmental framework of the Constitutional Convention from 1951 to 1952.

The Constitutional Convention of 1952 expressed through Resolution No. 23 that: "The People of Puerto Rico reserve the right to propose and accept modifications in the terms of its relations with the United States of America, in order that these relations may at all times be the expression of an agreement freely entered into between the People of Puerto Rico and the United States

of America.” (Enacted February 4, 1952, and forwarded to the President of the United States.)

This expression, based on a natural and constitutional right and of the highest democratic nature, was subsequently incorporated by the General Assembly of the United Nations Organization in its Resolution 748 (VIII) of November, 1953, regarding the documents submitted by the United States Government on the Constitution of the Commonwealth of Puerto Rico. It is thus stated in its ninth enabling paragraph where it is expressed, “its assurance that, in accordance with the spirit of the present Resolution . . . due regard will be paid to the will of both the Puerto Rican and American peoples . . . in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association.”

Since the effectiveness of the present status of political relationship between Puerto Rico and the United States, untiring efforts have been made to review the political status issue of Puerto Rico and the scope of the relationship with the United States of America. Specifically, in 1967, a consultation process of the people was held in which the majority of the participants reaffirmed their support to the Commonwealth option, and subsequently, in 1993, a second plebiscite was held, and once again the Commonwealth option was favored. Finally, in 1998, a new plebiscite was held in which the Legislature of Puerto Rico, and not the political parties or the representative groups of specific ideologies, defined the status options to be presented to the people. In said plebiscite, the “None of the Above” option was favored.

Likewise, in the past fifty-two years several efforts have been made to have the United States Congress enact legislation that would allow further the discussion of this issue. Specifically, we take notice of the efforts made through the Status Commission during the decades of the 60s and 70s; and from 1989 to 1991 by the U.S. Senate Resources Committee, and in the mid 90s, by the U.S. House of Representatives Resources Committee. None of these efforts was able to produce legislation that would effectively attend the discussion of status.

Having repeatedly approached through decades diverse methods, the Legislature of Puerto Rico, exercising the powers and faculties pursuant to the Constitution of the Commonwealth of Puerto Rico, proposes a consultation of the people so that they may determine the procedural mechanism they deem proper to deal with the issue of the political status of Puerto Rico, and the scope of the relationship with the United States of America. In this referendum a constitutional assembly will be presented as an alternative.

More than fifty years have elapsed since the establishment of the present status, and considering the manifest expressions of all representative sectors of the country on the need to make changes to the present relationship, it is proper for this Legislature to consult the people in order to initiate the process to elect an adequate mechanism to deal with the political status of Puerto Rico and its relationship with the United States of America: Be it

*Resolved by the legislature of Puerto Rico:*

Section 1.—Statement of Public Policy.

It is hereby declared that the People of Puerto Rico have the inalienable natural right to self-determination and political sovereignty. In accordance thereto, this Legislature declares that, upon the failure of several processes for the exercise of this right, it is imperative for the people to exercise the same through a Constitutional Assembly on the status of the relationship between Puerto Rico and the United States of America.

Section 2.—The Legislature acknowledges the Report rendered on March 11, 2002, as di-

rected by Senate Resolution 201 and House Resolution 3873, both recommending the mechanism of an Assembly of the People to consider the status issue.

Section 3.—It is proper to study and draft the legislation for the people to decide on the desirability of calling a Constitutional Assembly on Status. The legislation shall include the mechanisms to implement the election of delegates and the organization of the Constitutional Assembly on Status, if it is favored at the polls.

Section 4.—The Committee on the Judiciary of both Bodies shall prepare a study and report which shall contain projects of law for holding a referendum on the calling of said Constitutional Assembly, appropriation of funds, and every other measure or process needed to implement this public policy. The following shall be assured:

a. The effective participation of the representatives of the political parties and the civil society.

b. That the proposals to be submitted to the consideration of the people arise from the principle of sovereignty in the future political relationships of Puerto Rico, and be as such defined outside of the territorial clause of the Constitution of the United States of America.

c. That the Assembly shall enjoy deliberative and negotiation attributes with the United States Government.

d. That every determination of the Assembly shall be subject to ratification by the people at a referendum.

Section 5.—The Committee shall render its report before December 31, 2004, and thereby be submitted for the consideration of the next Regular Legislature.

Section 6.—A copy of this Concurrent Resolution, together with the results of the vote for its approval, shall be certified by the Office of the Secretary and of the Clerk of both Chambers, and remitted to the Special Decolonization Committee of the United Nations General Assembly, to the White House Interagency Committee on the Status of Puerto Rico, and to the Congress of the United States of America.

Section 7.—This Concurrent Resolution shall take effect upon its approval and constitutes public policy until its repeal or implemented.

POM-14. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to establishing the Northeast Detroit Community Health Center as a Federally Qualified Health Care Center; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 68

Whereas, Michigan’s largest city faces enormous challenges related to the health of its citizens. Difficult economic conditions, including high rates of poverty and uninsured residents, have contributed to a host of serious problems. The health of Detroit’s residents is clearly a major concern and a threat to the state’s future; and

Whereas, the northeastern region of the city is especially underserved by medical professionals and facilities. The eight-square mile area being targeted for the establishment of a federally qualified health care center has an infant mortality rate that is twice the state’s, a lifespan of only 68.5 years, and a rate of uninsured residents over 45 percent; and

Whereas, Advantage Health Centers has proposed to establish the NorthEast Detroit Community Health Center, in partnership with St. John Health, under the United States Health and Human Services Section 330 federally qualified health care center program. This initiative would represent a

major step in addressing the significant medical care needs of area residents. The facility seeks to serve 10,450 clients through 26,100 patient encounters annually; and

Whereas, the new community center would provide preventative and primary health care services, including mental health and substance abuse care, as well as access to the full range of the resources of St. John Health. The overall impact of a federally qualified health care center such as this would be substantial not only to the daily lives of the individuals served, but also to the well-being of the metropolitan area: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That we memorialize the Congress of the United States and the Department of Health and Human Services to establish the NorthEast Detroit Community Health Center as a federally qualified health care center; 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 United States Department of Health and Human Services.

POM-15. A Joint Resolution adopted by the Assembly of the State of California relative to the Employee Free Choice Act; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 87

Whereas, since 1935, workers have had the right under federal law to form unions, but federal laws have eroded over the years and are poorly enforced; and

Whereas, each year, 20,000 American workers suffer loss of pay due to illegal retaliation against them for exercising their right to freedom of association, and thousands more American workers are illegally threatened, coerced and interrogated, spied on, and harassed because of their efforts to form a union; and

Whereas, 42 million workers in the United States say that they would join a union now if they had the opportunity; and

Whereas, in California only 17.5 percent of our workers are unionized; and

Whereas, union membership provides workers better wages and benefits, and protection from discrimination and unsafe working places, while benefiting whole communities by strengthening tax bases, promoting equal treatment, and enhancing civil participation; and

Whereas, even though federal laws guarantee American workers the right to choose for themselves whether to form a union, employers across the nation routinely violate that right; workers are harassed, intimidated, coerced, and even fired, just for exercising, or attempting to exercise, this fundamental freedom; and

Whereas, the freedom to join a union is recognized as a fundamental human right; and

Whereas, when employers violate the right of workers to form a union, everyone suffers—wages fall, race and gender pay gaps widen, workplace discrimination increases, and job safety standards disappear; and

Whereas, most employer violations occur behind closed doors and each year employers spend millions of dollars to defeat unionization; and

Whereas, a worker’s fundamental right to choose a union is a public issue that requires public policy solutions, including legislative change; and

Whereas, S. 1925 and H.R. 3619 have been introduced this session in Congress, which introductions mark the first time in two decades that Congress is considering legislation

that aims to restore the freedom of workers to join a union; and

Whereas, the Employee Free Choice Act (S. 1925 and H.R. 3619) would, when a majority of employees in a unit appropriate for bargaining voluntarily sign authorizations (commonly known as "card check" recognition) designating an individual or labor organization as their bargaining representative, authorize the National Labor Relations Board to certify that individual or labor organization as the exclusive bargaining representative of those employees; and

Whereas, the Employee Free Choice Act would also provide for first contract mediation and arbitration, establish meaningful penalties to be imposed on employers that violate the right of workers to join a union, and include, for workers, the same process for immediate relief from illegal conduct that the law presently gives only to employers: Now, therefore be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California hereby supports and urges the Congress of the United States to pass the Employee Free Choice Act; and be it further

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

POM-16. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to the Federal Assault Weapons Act of 1994 continues in effect; to the Committee on the Judiciary.

#### SENATE RESOLUTION NO. 4623

A furor has recently boomed on our Island regarding the possible repeal of the Federal Assault Weapons Act of 1994, whose term of effectiveness expires on September 14, 2004. This Act, which bans the use, purchase and sale of 19 large caliber weapons, with the exception of the exclusive use thereof by the U.S. Department of Defense, was established by an amendment to the Federal Violent Crime Control and Law Enforcement Act. Said banned weapons, as they are appear in literal detail in Title 18, Chapter 44, Section 921 of the United States Code, are the following:

"(A) any of the firearms, or copies or duplicates of the firearms in any caliber, known as—

(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);  
(ii) Action Arms Israeli Military Industries UZI and Galil;

(iii) Beretta Ar70 (SC-70);

(iv) Colt AR-15;

(v) Fabrique National FN/FAL, FN/LAR, and FNC;

(vi) SWD M-10, M-11, M-11/9, and M-12;

(vii) Steyr AUG;

(viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and

(ix) Revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a bayonet mount;

(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

(v) a grenade launcher;

(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—

(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

(ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip or silencer;

(iii) a shroud that is attached to, or partially or completely encircles the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;

(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

(v) a semiautomatic version of an automatic firearm; and

(D) a semiautomatic shotgun that has at least 2 of—

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a fixed magazine capacity in excess of 5 rounds; and

(iv) an ability to accept a detachable magazine."

In view of this situation, the Police Departments and Mayors of several cities have been lobbying in the Congress and with the Hon. George Bush, President of the United States of America for the approval of the extension of said law, and thus the continuation of the assault weapons ban.

The AWL, which bans the manufacture and sale of the above specified military style weapons was passed 10 years ago, however, it included a clause for its renewal this year and for another ten year period until 2014. In order for this clause to become effective it must have the support of the Congress and be signed by the President of the United States.

In spite of the ban on the sale of assault weapons, Mr. Bill Bratton, Chief of the Los Angeles Police, has stated that it is not unusual to find this type of weapon in the hands of criminals or gangmembers in his city; however, he reaffirmed that thanks to this measure, local violent delinquency has dropped by 67%. Chief Bratton and the Mayor of Los Angeles, James Hahn, made this call to the Congress and to the President, while other authorities have done so in several cities of the United States.

It is proper to point out that these weapons are manufactured for the Army and that they are being used, at present, in the War against Iraq and in Afghanistan, and most certainly are not to be used in the streets of our country. It is imperative for the United States Congress to take immediate action and that it protect us from this type of weapon designed for mass destruction.

Furthermore, it is necessary to clarify that in spite of the existence of said measure for ten years, one out of every five fallen agents of the Los Angeles Police Department have been gunned down by this type of weapon in the streets of said city, as it appears in their records and from statements of the Chief of Police of said city.

In the case of Puerto Rico, 16 year old Nicole Muñiz was gunned down accidentally through the indiscriminate and illegal use of the weapons banned by the federal law. This High Puerto Rican Legislative Body most certainly deems it imperative to do all that is in its power to eliminate them from the streets and the hands of criminals, who take lives right and left, with no regard whatsoever for the innocent people of our Island.

Likewise, it also appears in the records of the Puerto Rico Police that most of the weapons seized are designed for the battlefields, many of which became of public use during the Viet Nam conflict and belong to the group of weapons banned in the federal legislation. However, at present many persons, particularly drug dealers, manage to obtain them and use their powerful weapons against the authorities. The design of many of these weapons is altered, including modi-

fications to make them more potent and lethal. Furthermore, police authorities are constantly risking their lives since some of these weapons have the capacity to penetrate the bulletproof vests used as a means of protection.

In view of the above, several Island newspapers have published articles on the fact that the majority of the people of Puerto Rico are against allowing the possession, sale and use of said assault weapons, and that the parents of victims murdered with the banned weapons have also stated that they favor the continuation of the effectiveness of the federal law, supra. Therefore, after knowing of the devastation that this type of military weapon can cause to the civilian population in the hands of criminals, this High Body has the moral imperative to make itself be heard, on behalf of the people it represents, before the federal authorities regarding the continuation of the effectiveness of the Federal Assault Weapons Act, and that new and more severe penalties be established for those who violate this Law: Be it

*Resolved by the senate of Puerto Rico:*

Section 1.—To state the most vehement support of the Senate of the Commonwealth of Puerto Rico to the continuation of the ban established in the Federal Assault Weapons Act of 1994, and for its effectiveness to continue as well as the ban on the use of assault weapons (automatic rifles) by the civilian population.

Section 2.—A copy of the Resolution of this High Body, translated into the English language, shall be remitted to all the members of the United States Congress and to the Hon. George Bush, President of the United States of America.

Section 3.—Likewise, a copy of this Resolution shall be delivered to the communications media for its corresponding diffusion.

Section 4.—This Resolution shall take effect immediately after its approval.

POM-17. A resolution adopted by the General Assembly of the State of New Jersey relative to making the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; to the Committee on the Judiciary.

#### ASSEMBLY RESOLUTION NO. 122

Whereas, the Republic of Poland is a free, democratic and independent nation; and

Whereas, in 1999, the United States and the Republic of Poland became formal allies when Poland was granted membership in the North Atlantic Treaty Organization; and

Whereas, the Republic of Poland has proven to be an indispensable ally in the global campaign against terrorism; and

Whereas, the Republic of Poland has actively participated in Operation Iraqi Freedom and the Iraqi reconstruction, shedding blood along with American soldiers; and

Whereas, the President of the United States and other high ranking officials have described Poland as "one of our closest friends;" and

Whereas, on April 15, 1991, the Republic of Poland unilaterally repealed the visa obligation to United States citizens traveling to Poland; and

Whereas, the United States Department of State's Visa Waiver Program currently allows approximately 23 million citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without having first to obtain visas for entry; and

Whereas, the countries that currently participate in the Visa Waiver Program include Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San

Marino, Singapore, Slovenia, Spain, Sweden, Switzerland and the United Kingdom; and

Whereas, it is appropriate that the Republic of Poland be made eligible for the United States Department of State's Visa Waiver Program: 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 respectfully urges the President of the United States and the Congress of the United States to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program.

2. 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, the presiding officers of the United States Senate and House of Representatives, every member of the New Jersey Congressional delegation, and Przemyslaw Grudzinski, the Ambassador of the Republic of Poland to the United States.

This resolution urges the President and the Congress of the United States to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program. The Visa Waiver Program currently allows approximately 23 million citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without having first to obtain visas for entry.

The Republic of Poland is a member of the North Atlantic Treaty Organization, an ally of the United States and in the global campaign against terrorism, and an active participant in Operation Iraqi Freedom and the Iraqi reconstruction. It provides visa-free travel for citizens of the United States.

POM-18. A Joint Resolution adopted by the Assembly of the State of California relative to psychotropic drugs and youth; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 41

Whereas, Federal legislation, known as the Pediatric Research Equity Act of 2003 (S. 650), was introduced in the Senate of the United States on March 18, 2003, passed by Congress in July, 2003, and signed by the President on December 3, 2003; and

Whereas, the purpose of the Pediatric Research Equity Act of 2003 is to provide the Food and Drug Administration (FDA) with clear authority to require pediatric studies of drugs to ensure their safe and effective use for children and the act applies to all medications whose intended use in pediatrics is the same as adults, thus ensuring complete information about the effects of the drug on children; and

Whereas, the Pediatric Research Equity Act is landmark legislation that gives the FDA the full authority to require drug manufacturers to test new medicines in children and the full power to order testing of older drugs, including psychiatric medications, that are widely prescribed in children if companies do not conduct studies voluntarily; and

Whereas, the Pediatric Research Equity Act will provide child and adolescent psychiatrists with safety and efficacy information about medications they prescribe for children and adolescents with mental illnesses; and

Whereas, there are an estimated six million children in the United States between the ages of six and 18 years of age taking psychotropic drugs, including stimulants such as Ritalin, antidepressants such as Paxil, Prozac, or Zoloft, and amphetamines such as Dexedrine; and

Whereas, the Pediatric Research Equity Act is timely legislation, especially in light

of a recent study published in the Archives of Pediatrics and Adolescent Medicine that identified a rapid increase in the proportion of children and adolescents in the United States taking all types of psychiatric medications from the mid-1980s to the mid-1990s and that spotlighted the relative lack of knowledge about the unknown long-term effects of these medications on the pediatric and adolescent population; and

Whereas, the Pediatric Research Equity Act will prompt the development of a solid body of long term research and testing that is needed to determine the long-term safety of psychiatric medications in light of earlier ages of initiation and longer duration of treatment and that is needed to examine drug concentrations in body fluids and tissues over time in children and adolescents to determine the appropriate dosage and frequency for youth of different ages and body sizes; and

Whereas, prior to the enactment of the Pediatric Research Equity Act and, as cited in the landmark 2000 Report of the U.S. Surgeon General on Mental Health, physicians, specifically child and adolescent psychiatrists, relied on data from studies in adults, any clinical or anecdotal reports of use in child and adolescent patients, studies conducted outside the United States, and the experience of colleagues when making decisions to prescribe drugs, including psychotropic medications, to the pediatric and adolescent population; and

Whereas, when prescribed appropriately by a psychiatrist, preferably a child and adolescent psychiatrist, taken as prescribed, and used in conjunction with a comprehensive treatment plan that includes psychotherapy, medication may reduce or eliminate symptoms and improve the daily functioning of children and adolescents diagnosed with psychiatric disorders; and

Whereas, the Pediatric Research Equity Act is important legislation that will raise awareness that, because children and adults react to drugs in different ways, trying to calculate dosages on the basis of what is appropriate for adults risks over- and under-medicating children; and

Whereas, according to the American Academy of Pediatrics, only approximately 25 percent of all drugs on the market today have been tested or labeled for safe and effective use in children; and

Whereas, according to the FDA, pediatric testing has been done on 91 medications, which is far less than the 400 drugs for which the agency has requested studies in children; and

Whereas, as a result of the Pediatric Research Equity Act, increased testing and research on drugs prescribed for children will help guide sound treatment planning, increase access to more effective treatment options for children and adolescents living with physical and mental illnesses, and destigmatize child and adolescent mental illnesses; and

Whereas, children are a unique population with special medical needs and access to drugs that have been properly tested for pediatric use will ensure that they are safe and will work to ease children's pain and suffering or make them healthy: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California commends the Congress and the President of the United States for enacting the landmark Pediatric Research Equity Act of 2003 and thereby recognizing the importance of testing the safety and effectiveness of drugs for pediatric use, a victory for children's health and well-being; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to

the President and Vice President of the United States, to the Commissioner of the Food and Drug Administration, to the Secretary of Health and Human Services, and to each Senator and Representative from California in the Congress of the United States.

POM-19. A Joint Resolution adopted by the Assembly of the State of California relative to veterans benefits; to the Committee on Veterans' Affairs.

ASSEMBLY JOINT RESOLUTION NO. 36

Whereas, in addition to the benefits provided by the United States Department of Veterans Affairs, various states have recognized and rewarded the tremendous sacrifices made by our nation's veterans; and

Whereas, the State of California acknowledges the failure to fully recognize and support the sacrifices made by our military veterans, most notably after the Vietnam War; and

Whereas, the California Department of Veterans Affairs is committed to conferring and administering veterans benefits provided by a grateful State of California to its deserving veterans and their dependents; and

Whereas, in the past decade, the California Department of Veterans Affairs actively lobbied federal legislators to enact changes in current federal legislation that would extend home ownership opportunities for Vietnam War veterans; and

Whereas, home ownership is viewed by many as a cherished component of the American dream; and

Whereas, enabling veterans to achieve home ownership at a lower cost is but a small reward for their faithful service in the United States Armed Forces; and

Whereas, in appreciation of this service on behalf of our state and nation, the States of California, Wisconsin, Texas, Oregon, and Alaska have offered low interest rates on home loan mortgages to eligible veterans for many decades; and

Whereas, these programs have assisted over a million veterans in obtaining affordable housing and in making a better life for themselves and their dependents; and

Whereas, these states utilize tax-exempt bonds known as Qualified Veterans Mortgage Bonds (QVMBs) to fund almost all of the home purchase and home improvement loans made to veterans; and

Whereas, current federal law governing the use of tax-exempt bonds used to fund these loans, as contained in Section 143(l)(4) of the Internal Revenue Code, unfairly limits these programs to only those veterans who served prior to January 1, 1977; and

Whereas, this restriction unfairly prevents all veterans serving active duty post-1976 from using QVMBs, including over 500,000 men and women who served in Operation Desert Shield and Operation Desert Storm and over 380,000 members serving in Operation Enduring Freedom and Operation Iraqi Freedom; and

Whereas, these courageous men and women, many serving in harm's way even today, deserve the same benefits offered to their earlier comrades in arms, yet the states in which they and their families reside are being denied the opportunity to use QVMBs; and

Whereas, Congress has failed to remedy this discriminatory federal provision on behalf of these deserving men and women, despite the fact that it will not increase federal discretionary spending; Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the President and the Congress of the United States to support legislative action to immediately remove the discriminatory portion of

Section 143(l)(4) of the Internal Revenue Code so that today's veterans and their families might enjoy the same benefits as their earlier counterparts; and be it further

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

POM-20. A Joint Resolution adopted by the Assembly of the State of California relative to prescription drugs; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 62

Whereas, rapidly increasing health care costs are placing a growing burden on employers, workers, and publicly funded health programs; and

Whereas, recent federal statistics show that health care spending increased 9.3 percent in 2002, which is a rate five times greater than the overall rate of inflation and the largest increase in 11 years; and

Whereas, employer health premium costs in the United States rose 14.7 percent in 2003 and are projected to increase by another 12.6 percent in 2004; and

Whereas, one of health care's major cost drivers has been prescription drugs; and

Whereas, prescription drug spending increased 15.3 percent in 2002 after increasing an average 17.3 percent in 2000 and 2001; and

Whereas, prescription drug costs for the taxpayer financed Medi-Cal fee-for-service program reached \$2.9 billion in the 2002-03 fiscal year and are projected to rise to \$3.8 billion in the 2004-05 fiscal year; and

Whereas, private health plans and the California Public Employees' Retirement System, which is the state employees' health program, report annual double-digit increases in prescription drug spending, despite benefit changes such as increased copayments and multitiered copayments that increase the burden on subscribers; and

Whereas, seniors who require more medications on average have been especially hard hit by rising prescription drug costs and copayments; and

Whereas, even seniors with drug coverage find the cost of prescription drugs often far exceeds their coverage limits and must choose between food, rent, and needed medications; and

Whereas, Americans are paying more for prescription drugs than people in other countries; and

Whereas, one drug can cost five to 10 times more in the United States than in Canada or Europe; and

Whereas, one in five adults cannot afford to buy some or all of his or her prescribed medicines; and

Whereas, unaffordable prescription drugs and budget deficits have forced American cities, states, and individuals to turn to Canada for affordable drugs; and

Whereas, negotiating price reductions has been shown to lower drug prices in various state adopted programs, including the Medi-Cal program; and

Whereas, the Veterans' Administration aggressively negotiates lower drug prices through its nationwide pharmacy benefits program, which provides drugs for veterans at deep discounts; and

Whereas, last year, the Veterans' Administration filled 108 billion prescriptions at a cost of \$2.8 billion, with savings to the federal government from negotiated drug prices that are estimated to be in the hundreds of millions of dollars; and

Whereas, the Veterans' Administration purchasing system could be adopted to save billions of dollars for the Medicare program and its beneficiaries, as well as state and local government programs; and

Whereas, the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 does nothing to control the high cost of drugs and in fact, explicitly prohibits the federal government from using its volume purchasing power to lower drug prices that will be paid by the government as part of the new Medicare drug benefit: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California calls upon the California delegation of the United States Senate and House of Representatives to sponsor and support legislation to repeal any Medicare provisions that would prohibit the federal government from negotiating fair drug prices, specifically as found in Section 1860D of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173); and be it further

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

POM-21. A Joint Resolution adopted by the Assembly of the State of California relative to State Highway Route 99; to the Committee on Environment and Public Works.

ASSEMBLY JOINT RESOLUTION NO. 63

Whereas, the State Highway Route 99 corridor has the largest urban area not in the interstate highway system and Fresno is the largest city in the United States not served by an interstate highway; and

Whereas, studies have long shown that economic development is enhanced in areas that are close to interstate highways; and

Whereas, the Central Valley of California has the highest concentration of unemployment in the United States, and unemployment has been a persistent problem that needs to have extraordinary efforts applied to it; and

Whereas, the interstate highway system was designed to help all regions of the nation and promote interstate commerce and international trade; and

Whereas the omission of highways in the urban areas of the Central Valley from the interstate highway system cannot be justified and should be remedied; and

Whereas, Interstate Highway 5 has been designated the NAFTA corridor, even though most of the trucks engaged in international trade and commerce travel on State Highway Route 99; and

Whereas, truck cargo volumes on State Highway Route 99 exceed those on Interstate Highway 5 and are among the highest in the entire nation, and this is the only segment of the federal highway system with this level of traffic not in the interstate highway system; and

Whereas, any effort to reduce truck congestion and other traffic congestion contributes to the reduction of air pollution, which is critically needed in the Central Valley; and

Whereas, tourists to national parks adjacent to the Central Valley generally travel State Highway Route 99 although families prefer to travel to their designations along interstate highways that are known to be twice as safe as other highways, and tourism would be enhanced if State Highway Route 99 is upgraded to an interstate highway; and

Whereas, the Central Valley is the most rapidly growing part of California, and one of the most rapidly growing areas of the nation, and future demand will make all of the arguments for upgrading State Highway Route 99 even more urgent: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, that the Legislature of the State of California hereby respectfully memorializes the President and the Congress of the United States to enact legislation to include State Highway Route 99 in the interstate highway system only when the following actions take place:

(a) The President or Congress requests and is granted an exemption for State Highway Route 99 from all federal interstate requirements or that the state be exempted from financing any costs to upgrade the highway pursuant to those requirements.

(b) The current \$16.1 million from the Traffic Congestion Relief Program designated for State Highway Route 99, which is currently contingent upon proceeds that would result from the Governor reaching pacts with tribal gaming interests, are expended on State Highway Route 99.

(c) State Highway Route 99 is granted a historic designation of "Historic Route 99"; 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 Minority Leader of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM-22. A Joint Resolution adopted by the Assembly of the State of California relative to Equal Pay Day; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 66

Whereas, forty-one years after the passage of the Federal Equal Pay Act and Title VII of the Federal Civil Rights Act of 1964, American women continue to suffer disparities in wages that cannot be accounted for by age, education, or work experience; and

Whereas, according to the United States Census Bureau, in 2002, American women working full-time year-round earned on average 76.6 cents for every dollar earned by full-time working American men; and

Whereas, a General Accounting Office report on women's earnings show that there exists an inexplicable wage gap of approximately 20 percent, even after taking into account work experience, education, occupation, industry of current employment, and other demographic and job characteristics; and

Whereas, in the 41 years since the Equal Pay Act, the gap has narrowed by less than half, from 41 cents per dollar to 22 cents, and research by the Institute for Women's Policy Research finds that recent change is due large in part to men's real wages falling, not women's wages rising; and

Whereas, California ranks fifth among all states in equal pay, yet it ranks 39th among all states in progress in closing the hourly wage gap, and at the current rate of change California working women will not have equal pay for another 40 years; and

Whereas, the consequences of the wage gap reach beyond working women and extend to their families and the economy, to the extent that, in 1999, even after accounting for differences in education, age, location, and the number of hours worked, America's working families lost \$200 billion of annual income to the wage gap, with an average of \$4,000 per family; and

Whereas, women play a crucial role in maintaining the financial well-being of their families by providing a significant percentage of their household incomes and, in many cases, women head their own households; and

Whereas, pay inequity results in a higher poverty rate for women, particularly in women-headed households, as evidenced by figures from the McAuley Institute which indicate that for families that are headed by a woman and have children under the age of five years, the poverty rate is an astonishing 46.4 percent; and

Whereas, women currently account for 47 percent of the labor force, and by 2005 are expected to comprise 48 percent of the labor force; and

Whereas, educated women are not exempt from pay disparity; and

Whereas, in 2001 the median weekly earnings of female full-time workers with a college degree was 72.5 percent of their male counterparts; and

Whereas, according to the United States Census Bureau March 2002 Current Population Survey, women with a master's degree on average earn less than men with a bachelor's degree; and

Whereas, the wage gap is even wider for women of color, as evidenced by a 2001 statistic that reported that African-American women earned 69 percent and Hispanic women earned 56 percent of average white male earnings; and

Whereas, the wage gap is also prevalent within minority communities, as shown by a 2002 report that African-American women earned 91 percent of what African-American men earned, and Hispanic women earned 88 percent of what Hispanic men earned; and

Whereas, even in professions in which women comprise a majority of workers, such as nursing and teaching, men earn an average of 20 percent more than women working in these same occupations; and

Whereas, according to the data analysis of over 300 jobs classifications provided by the United States Department of Labor, Bureau of Labor Statistics, women are paid less in every occupational classification for which sufficient information is available; and

Whereas, the wage gap continues to affect women in their senior years as lower wages result in lower pensions and incomes after retirement, and affect a women's ability to save, thereby contributing to a higher poverty rate for elderly women; and

Whereas, the average 25-year-old woman who works full-time, year-round, is projected to earn \$523,000 less over the course of her career than the average 25-year-old man who works full-time year-round; and

Whereas, if women were paid the same as men who work the same number of hours, have the same education and same union status, are the same age, and live in the same region of the country, then the annual family income of each of these women would rise by \$4,000, and the number of families who live below the poverty line would be reduced by half; Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature hereby declares April 20, 2004, to be "Equal Pay Day" in California and urges California citizens to recognize the full value and worth of women and their contributions to the California workforce; and be it further*

*Resolved, That the Legislature respectfully urges the Congress of the United States to protect the fundamental right of all American women to receive equal pay for equal work, and to continue to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex; and be it further*

*Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to*

the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM-23. A Joint Resolution adopted by the Assembly of the State of California relative to hybrid electric vehicles; to the Committee on Commerce, Science, and Transportation.

#### ASSEMBLY JOINT RESOLUTION NO. 74

Whereas, the price for gasoline has reached record levels in California, climbing to an all-time high in Los Angeles and the bay area, and potentially rising even higher during the summer; and

Whereas, increasing gasoline prices can have a negative impact on California's economy because rising oil prices drive up the average cost of production of goods and services throughout the economy and reduce the real income of consumers through higher fuel prices; and

Whereas, California is susceptible to chronic price spikes in gasoline due to tight supplies of refined gasoline and a lack of competition among the companies that produce and sell gasoline; and

Whereas, California's demand for petroleum transportation fuels will continue to grow, and is expected to increase by 50 percent in the next 20 years, as the number of registered vehicles in California increases to 31.5 million by the year 2020; and

Whereas, California's refining capacity has not been able to keep up with the growing demand for transportation fuels and is increasingly dependent on the importation of foreign crude oil, much of which comes from politically unstable regions of the world; and

Whereas, this growing dependence on oil from unstable regions makes the state's economy more vulnerable to external disruptions and volatile fuel prices; and

Whereas, increasing use of petroleum fuels results in additional climate change emissions including carbon dioxide, and global climate change is projected to cause environmental and economic damage to California; and

Whereas, increasing use of gasoline causes a decline in air quality, thereby adversely affecting public health; and

Whereas, the world supply of petroleum is expected to fall short of demand after the year 2020, causing the price of petroleum products to increase significantly; and

Whereas, on-road fuel economy of cars and light-duty trucks has remained relatively constant since 1985, and has actually decreased in years as consumers purchase greater percentages of sport utility vehicles; and

Whereas, most technological improvements to engines and vehicles have been used to increase performance and overcome gains in weight, rather than to improve fuel economy; and

Whereas, Californians would consume 30 percent less gasoline by 2020 if fuel efficiency in new model light-duty vehicles were doubled to at least 40 miles per gallon, and that reduction in gasoline consumption would result in increased air quality throughout the state as well as a reduction in the state's dependency on foreign sources of petroleum; and

Whereas, hybrid electric drive train technology can significantly increase vehicle fuel efficiency and, simultaneously, greatly reduce a vehicle's smog-forming emissions; and

Whereas, several vehicle models, using hybrid electric drive train technology that achieves at least 45 miles per gallon and as much as 70 miles per gallon fuel efficiency ratings, are readily available to consumers in California; and

Whereas, Californians would greatly reduce their gasoline dependence, improve their own economic condition, and significantly better the environment and public health if they were to embrace the use of hybrid electric vehicles that achieve at least 45 miles per gallon ratings; and

Whereas, the primary purpose of High Occupancy Vehicle (HOV) lanes is to relieve traffic congestion by offering persons who carpool an easier commute; and

Whereas, in many instances, California's HOV lanes have excess capacity that could allow them to accommodate single-occupant hybrid electric vehicles temporarily, without degrading the HOV lanes' traffic flow or diminishing their attractiveness to carpools; Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly, That the President and the Congress of the United States of America are urged to take legislative action to allow single-occupant hybrid electric vehicles that achieve a fuel economy highway rating of at least 45 miles per gallon, and conform to any additional emissions category of the federal Environmental Protection Agency or the California Air Resources Board, or meet any other requirements identified by the responsible agency, to travel in California's High Occupancy Vehicle (HOV) lanes; and be it further*

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

POM-24. A resolution adopted by the Mayor and City Council of Atlanta, Georgia relative to the denunciation of the actions of the Janjaweed in Sudan and urging the Sudanese government to cut its ties to the Militia responsible and demand that they disarm immediately; and for other purposes; to the Committee on Foreign Relations.

POM-25. A resolution adopted by the Board of Commissioners of Ferry County, State of Washington, relative to supporting county custom, culture, and heritage in decision making on federal lands in Ferry County, State of Washington; to the Committee on Energy and Natural Resources.

POM-26. A resolution adopted by the Fleet Reserve Association, Latte Stone Branch 73, Young Men's League of Guam relative to Petitions from the People of Guam in Support of the Findings and Recommendations of the War Claims Review Commission; to the Committee on Energy and Natural Resources.

POM-27. A resolution adopted by the Mayor and City Council of Atlanta, Georgia relative to supporting the District of Columbia's right to have its elected Representative have full voting rights in the United States House of Representatives and for other purposes; to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH (for Mr. SPECTER), from the Committee on the Judiciary, with amendments:

S. 256. A bill to amend title 11 of the United States Code, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted: