

Iraq; to the Committee on Commerce, Science, and Transportation.

EC-8253. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at \$14,000,000 or more from the Government of Saudi Arabia to the Government of Kenya; to the Committee on Foreign Relations.

EC-8254. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at \$14,000,000 or more from the Government of the Netherlands to the Government of Finland; to the Committee on Foreign Relations.

EC-8255. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Auditor's Performance Review of the Integrated Tax System's Processes Related to the Timeliness of Tax Refunds and Deposit of Tax Payments"; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-421. A resolution adopted by the General Assembly of the State of New Jersey relative to outsourcing port operations to a company controlled by a foreign government; to the Committee on Banking, Housing, and Urban Affairs.

ASSEMBLY RESOLUTION No. 138

Whereas, Security officials of the administration of President George W. Bush, both United States Senators from the State of New Jersey, the Governor of the State of New Jersey and members of this House have serious concerns that terrorists could infiltrate ports through Dubai Ports World, a company controlled by the United Arab Emirates; and

Whereas, Intelligence and security officials believe that ports are vulnerable to the entry of terrorists or illicit weapons because of the large number of containers that enter the United States through these port facilities; and

Whereas, The ports of New York, Newark, Philadelphia, Baltimore, Miami and New Orleans are major points of entry into the United States; and

Whereas, The United Arab Emirates has a mixed record in combating terrorism and terrorist organizations; and

Whereas, The United Arab Emirates was one of only three countries to recognize the Taliban regime in Afghanistan; and

Whereas, The 45-day review of Dubai Ports World security details must be carried out in a rigorous and independent manner with Congress given final authority over the deal; and

Whereas, The Bush administration has been unable to provide sufficient evidence that security procedures vital to the United States will not be compromised by officials from a foreign company that is controlled by a foreign government; Now, therefore, be it

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

1. It is the sense of the General Assembly of the State of New Jersey that President Bush should reconsider his decision, and he is advised to reverse his decision, to permit the sale of certain United States port oper-

ations to Dubai Ports World because this foreign company is controlled by a government with a mixed record in fighting terrorism.

2. It is the sense of the General Assembly of the State of New Jersey that the federal government should conduct a thorough review of this pending sale, pursuant to a 45-day investigation period required by federal law.

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

POM-422. A concurrent resolution adopted by the House of Representatives of the State of Hawaii relative to the adoption of changes to the Medicare Part D Program; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION No. 80

Whereas, over 40 million Americans, including approximately 186,000 Hawaii residents, receive health coverage through Medicare and are currently eligible to purchase prescription drug coverage through the Medicare Part D Program, which began on January 1, 2006; and

Whereas, over 6.4 million Americans, including 26,000 Hawaii residents, are eligible for both Medicare and Medicaid and are referred to as "dual eligibles"; and

Whereas, the dual eligible group, 60 percent of whom live below the poverty line, has more individuals who rely on healthcare than other Medicare beneficiaries, with more than 50 percent requiring assistance with activities of daily living or suffering from multiple chronic conditions, such as Alzheimer's disease, diabetes, pulmonary disease, or stroke; and

Whereas, the number of elderly residents in the state is expected to rise rapidly over the next two decades with one in four residents over the age of 60; and

Whereas, Medicare-eligible individuals enrolling in the Medicare Part D Program after May 15, 2006, face a cumulative one percent late-enrollment penalty for each month between the date they were eligible and the date they enrolled; and

Whereas, the enrollment penalty for Medicare Part B is ten percent per year on the standard premium amount, which is more predictable and less severe than the enrollment penalty for Medicare Part D; and

Whereas, Medicare beneficiaries must now navigate a new, complex system of multiple health plans to purchase coverage and receive prescription drug benefits; and

Whereas, each prescription drug plan has a different formulary, different co-payments, and varied cost-sharing that Medicare beneficiaries must understand to determine which plan has a formulary that not only includes most, or all, of the beneficiaries' drugs, but also offers the best value; and

Whereas, beneficiaries face a great deal of uncertainty as each plan is allowed to modify its formulary, including dropping coverage of medications, on a monthly basis, while most Medicare beneficiaries may only change plans once a year during the open enrollment period; and

Whereas, a beneficiary who needs a drug that is suddenly dropped by the chosen plan must change to another drug or pay out-of-pocket for the drug; and

Whereas, drugs not listed on the formulary that are purchased out-of-pocket by a beneficiary or paid for with a discount card or through a state pharmacy program do not

count toward the beneficiaries' cost-sharing under the Medicare Part D plan; and

Whereas, plans are not required to disclose complete information about the actual price of the drugs on their formularies nor the cost of these drugs as negotiated by the plan which drug manufacturers, resulting in the opportunity for plans to inflate prices charged to Medicare beneficiaries who will then have a higher total cost-sharing amount; and

Whereas, many states will have additional costs associated with the "clawback" provision of the Medicare law, which requires states to reimburse the federal government for the costs of dual eligibles based on a formula that may not accurately reflect actual costs and numbers of these enrollees; and

Whereas, States will also incur significant costs if they participate in educational and other efforts necessary to ensure that dual eligibles and other Medicare enrollees do not have a gap in coverage and have adequate information with which to make informed choices between plan options; and

Whereas, the State initiated a fail-safe program that covered dual eligibles' prescriptions if their claims were not processed through the drug plans offered by the new Medicare Part D Program, and paid 480 claims in a four-day period from January 1, 2006 to January 4, 2006, to ensure that patients received their medications; and

Whereas, the Medicare law explicitly prohibits negotiations over the price paid by the federal government for prescription drugs; and

Whereas, these same medications currently provided to dual eligibles under Medicaid are subject to price negotiation by the federal government, and the costs of these medications, which will be reimbursed by the states to the federal government, are likely to increase in the absence of price negotiation; and

Whereas, according to the Congressional Budget Office, the new Medicare Part D Program is expected to increase spending by \$47 billion in 2006, the first year of implementation, and reach \$174 billion per year in 2015, when it will make up 23 percent of the \$766 billion in total Medicare spending; now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, That the President and Congress of the United States are requested to adopt the following changes to the Medicare Part D Program:

(1) Eliminate the penalty for all Medicare-eligible individuals enrolling after May 15, 2006;

(2) Permit, once a year, prescription drug plans to drop coverage of drugs on their formularies only after advance notice to coincide with the annual open enrollment period, except that drugs that have been determined to be dangerous or have been removed from the market may be dropped from formularies as deemed necessary for safety;

(3) Standardize the formulary design so that each plan has the same number of tiers and requirements for coverage;

(4) Modify the requirements for what can be counted toward the Medicare beneficiaries' "true out-of-pocket cost," or "TROOP," to include all prescription drugs purchased on behalf of the beneficiary regardless of where the drugs are purchased, whether purchased through a state pharmacy program or with a discount card, or whether the drug is on the formulary of the enrollee's plan;

(5) Ensure transparency so that states know the cost negotiated by the prescription drug plan to ensure that all negotiated rebates are passed on to the beneficiaries; and

(6) Institute price negotiations for the purchase of prescription drugs for the Medicare program, similar to the provisions already in place under Medicaid and the Veterans Administration; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of Hawaii's Congressional delegation.

POM-423. A resolution adopted by the General Assembly of the State of New Jersey relative to Lyme and tick-borne disease prevention education; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY RESOLUTION NO. 55

Whereas, Lyme disease is a common but frequently misunderstood illness that, if not caught early and treated properly, can cause serious health problems; and

Whereas, Lyme disease is a bacterial infection that is transmitted by a tick bite, and early signs of infection may include a rash and flu-like symptoms such as fever, muscle aches, headaches and fatigue; and

Whereas, although Lyme disease can be treated with antibiotics if caught early, the disease often goes undetected because it mimics other illnesses or may be misdiagnosed and, if untreated, can lead to severe heart, neurological, eye and joint problems because the bacteria can affect many different organs and organ systems; and

Whereas, although Lyme, disease accounts for 90 percent of all vectorborne infections in the United States, the ticks that spread the disease also spread other diseases, such as ehrlichiosis, babesiosis and other strains of Borrelia; and

Whereas, studies indicate that only 10 percent of the number of tick-borne disease cases reported meet the criteria established by the Federal Centers for Disease Control and Prevention; and

Whereas, the persistence of symptomatology in many patients without reliable testing makes treatment of patients more difficult; and

Whereas, New Jersey ranks third among the 50 states in the number of reported Lyme disease cases; and

Whereas, the "Lyme and Tick-borne Disease Prevention, Education, and Research Act of 2005" has been introduced in the 109th Congress as H.R. 3427 and S. 1479; and

Whereas, the "Lyme and Tick-borne Disease Prevention, Education, and Research Act of 2005" would advance the treatment of, and cure for, Lyme and other tick-borne diseases by expanding federal efforts concerning prevention, education, treatment and research activities related to Lyme and other tick-borne diseases, providing authorization for the appropriation of \$20 million for each of the federal fiscal years 2006 through 2010 for these activities and requiring the Secretary of Health and Human Services to annually report to Congress on these activities and make recommendations for further research and education, and establishing a Tick-borne Diseases Advisory Committee within the Office of the Secretary of Health and Human Services; Now, therefore, be it

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

1. This House respectfully memorializes the United States Congress and the President of the United States to enact the "Lyme and Tick-borne Disease Prevention, Education, and Research Act of 2005," which is currently pending in the Congress as H.R. 3427 and S. 1479.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General

Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the presiding officers of the United States Congress, each of the members of the Congress elected from the State of New Jersey, and the President of the United States.

POM-424. A concurrent resolution adopted by the House of Representatives of the State of Hawaii relative to improving the quality of the nation's public schools by substantially increasing education funding; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 47

Whereas, the State of Hawaii has long pursued the goal of improving the academic performance of all students regardless of race, income, ethnicity, or disability; and

Whereas, the State of Hawaii commends the President and the United States Congress for putting forth the same goals in the No Child Left Behind Act of 2001 (NCLB) and emphasizing the urgency in improving the performance of all students; and

Whereas, the NCLB has encouraged necessary changes in public education and was initially accompanied with substantial increases in federal funding for public elementary and secondary education; and

Whereas, however, the increases in federal funding since the inaugural year of the NCLB have been minimal; and

Whereas, the Federal Government has decreased funding in fiscal year 2006 by:

(1) \$793,000,000 for the NCLB;
(2) \$166,000,000 for post secondary education; and

(3) \$21,000,000 for programs that serve students with disabilities; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, That the Legislature urges the President of the United States and the United States Congress to support improving the quality of the nation's public schools by substantially increasing funding for the No Child Left Behind Act, Higher Education Act, Individuals with Disabilities Education Act, and other education-related programs; and be it further

Resolved, That the State of Hawaii encourage other states to adopt similar resolutions; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Secretary of the United States Department of Education, and each member of Hawaii's Congressional delegation.

POM-425. A resolution adopted by the General Assembly of the State of New Jersey relative to the issuance of a stamp honoring the U.S. Army's canine corps; to the Committee on Homeland Security and Governmental Affairs.

ASSEMBLY RESOLUTION NO. 69

Whereas, the Army Quartermaster Corps began the U.S. Armed Forces first war dog training during World War II, creating what has come to be known as the canine corps (K-9 corps); and

Whereas, the canine corps has served in World War II, Korea, Vietnam, the Persian Gulf and Bosnia and is currently serving in Iraq and Afghanistan; and

Whereas, the canine corps dogs are used as scouts, trackers, sentries, point dogs, messengers and detectors of mines, boobytraps, explosives and enemy soldiers; and

Whereas, while many dogs are killed, abandoned or euthanized in combat, it has been estimated that the canine corps saved over

10,000 lives in Vietnam and continues to save thousands of lives in Iraq and Afghanistan; and

Whereas, a stamp to honor the canine corps is currently under consideration by the Citizens' Stamp Advisory Committee for future stamp use; and

Whereas, it is in the best interest of the State to urge the United States Postal Service and Citizens' Stamp Advisory Committee to issue a stamp for the canine corps in honor of the thousands of lives the corps saved and continues to save while in combat; Now, therefore, be it

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

1. This house resolution urges the United States Postal Service and the Citizens' Stamp Advisory Committee to issue a stamp honoring the United States Army's canine corps.

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

POM-426. A resolution adopted by the Senate of the State of Michigan relative to the Gaylord, Michigan, mail processing center; to the Committee on Homeland Security and Governmental Affairs.

SENATE RESOLUTION NO. 151

Whereas, Gaylord, Michigan, is the largest city in Otsego County and one of the fastest growing and economically vibrant cities in northern Michigan. The Gaylord Post Office handles mail in the 487 zip codes, which covers a sprawling area from Grayling to Sault Saint Marie and from Petoskey to Alpena. The post office's mail plant processes packages and flats, such as magazines, newspapers, legal documents, and mail larger than letter-size; and

Whereas, in April 2006, the United States Postal Service concluded an Area Mail Processing (AMP) survey to determine whether or not to consolidate Gaylord mail processing operations into the Traverse City Processing & Distribution Center. The postal service is considering consolidation in order to reduce the \$8 million deficit of the Greater Michigan Postal District, which includes Wisconsin, Illinois, and Indiana. District postal officials are expected to receive final word from Washington, D.C., in either June or July of this year; and

Whereas, if both packaging and flats processing are eliminated, then nearly 80 full-time employees are expected to be transferred out of the region to other postal facilities. This transfer will have a detrimental impact on the Gaylord economy as well-paying jobs flee the area. Moreover, closing the Gaylord mail processing operations will result in a lower standard of service because without the processing center mail cannot be delivered to this vast region in an efficient and timely manner; Now, there, be it

Resolved by the Senate, That we memorialize the United States Postal Service and the United States Congress to keep open the Gaylord, Michigan, mail processing center; and be it further

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

POM-427. A concurrent resolution adopted by the House of Representatives of the State

of Hawaii relative to the convention on the elimination of all forms of discrimination against women; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 67

Whereas, International Women's Day, celebrated throughout the world on March 8th, is a time to:

(1) Reflect on the status of women in the United States and around the world;

(2) Assess the progress made and the challenges for women remaining; and

(3) Recommit to women's human rights and the full empowerment of the world's women as the basis for truly sustainable social, economic, and political development of nations and communities; and

Whereas, two hundred twenty-eight million women are in need of effective contraceptive methods; and

Whereas, a woman dies every minute as a result of pregnancy and childbirth-related causes (approximately five hundred women a year) and for every woman who dies, thirty other women are injured or disabled; and

Whereas, between seven hundred thousand and four million people, mainly women and children, are trafficked annually across international borders for sexual exploitation and forced labor; and

Whereas, fifty thousand to one hundred thousand women and girls are trafficked annually for sexual exploitation into the United States; and

Whereas, HIV/AIDS is a women's epidemic worldwide with over nineteen million women worldwide currently living with HIV/AIDS and over one million women dying of AIDS in 2002; and

Whereas, for the last several years, HIV/AIDS has been the fifth leading cause of death for women ages twenty-five to forty-four years in the United States, and the third leading cause of death for African American women in this same age group; and

Whereas, gender-based violence against women, including prenatal sex selection, female infanticide, sexual abuse, female genital mutilation, school and workplace sexual harassment, sexual trafficking and exploitation, prostitution, dowry-killings, domestic violence, battering, and marital rape, causes more death and disability among women in the fifteen to forty-four-year age group than cancer, malaria, traffic accidents, and even war; and

Whereas, approximately four million eight hundred thousand rapes and physical assaults are perpetrated annually against women in the United States; and

Whereas, women in many countries lack the right to own land and inherit property, obtain credit, attend and stay in school, earn income, and be free from job discrimination, they also lack access to services that meet their sexual and reproductive health needs; and

Whereas, over two billion women around the globe live on less than \$2 a day, and women in the United States earn seventy-three cents on average for every dollar earned by men; and

Whereas, two-thirds of the nine hundred sixty million illiterate adults in the world are women and two-thirds of the one hundred thirty million children not enrolled in primary school are girls; and

Whereas, in 1972, Hawaii became the first state to ratify the federal Equal Rights Amendment, which would have amended the United States Constitution by adding a guarantee of equal rights for women; and

Whereas, in 2003, the Hawaii State House of Representatives adopted House Resolution No. 59, which: supported International Women's Day; urged the United States Senate to ratify the Convention on the Elimination of

All Forms of Discrimination Against Women; and further urged the United States Congress to fund high quality, voluntary family planning and reproductive health services; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, That the United States Senate is requested to demonstrate our nation's commitment to human rights by ratifying the Convention on the Elimination of All Forms of Discrimination Against Women, and joining one hundred seventy other nations in endorsing the most comprehensive treaty ensuring the fundamental human rights and equality of women; and be it further

Resolved, That the United States Congress is urged to affirm every woman's fundamental right to reproductive health, including the ability to choose the number of children they will have and the timing of their births, by funding high quality, voluntary family planning and reproductive health services that enable women to exercise this right; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

POM-428. A concurrent resolution adopted by the House of Representatives of the State of Hawaii relative to the detonation of the Bravo Hydrogen Bomb over Bikini Atoll; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 34

Whereas, at 6:45 a.m. on March 1, 1954, over Bikini Atoll, the United States of America tested a hydrogen bomb device, which is acknowledged to be the most powerful nuclear explosion ever detonated; and

Whereas, the "Bravo" H-Bomb inadvertently yielded fifteen megatons instead of the five megatons expected by the scientists working on the project—a yield one thousand times more powerful than the bomb dropped on the city of Hiroshima; and

Whereas, including the Bravo H-Bomb, sixty-seven nuclear tests were conducted at Bikini Atoll and Enewetak Atoll between 1946 and 1958, exposing the people of the Republic of the Marshall Islands to severe health problems and genetic anomalies due to the tests, such as "jelly fish" babies and other anomalies in the children, grandchildren, and great-grandchildren of survivors; and

Whereas, Enewetak Atoll served as ground zero for forty-three tests, eventually causing the exile of its people from their homeland for thirty-three years; and

Whereas, even after a massive cleanup program by the United States, more than fifty-seven percent of the land is not safe for human habitation; and

Whereas, at the advice of the United States, the residents of Bikini Atoll were repatriated to their homeland in 1967 only to be evacuated seven years later when high levels of radionuclides were discovered in their bodies; and

Whereas, the people of neighboring Rongelap and Utirik were also returned prematurely to their atolls and received additional exposure, causing many to believe that they were used to study the effects of radiation on human beings as evidenced in the Atomic Energy Commission's now infamous Project 4.1 "Study of Response of Human Beings Exposed to Significant Beta and Gamma Radiation due to Fallout from High Yield Weapons"; and

Whereas, in the Compact of Free Association (Compact), the United States "accepts

the responsibility for compensation owing to the citizens of the Marshall Islands . . . for loss or damage to property and person . . . resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946 and August 18, 1958"; and

Whereas, the pertinent provisions of the Compact were negotiated based on limited and misleading information provided by the United States Government to the representatives of the Republic of the Marshall Islands, a fact only recently exposed in material declassified by the United States and acknowledged by officials; and

Whereas, the "changed circumstances" provisions of the Compact provide that, should it become manifestly clear that the agreement on nuclear matters is grossly inadequate to meet the technological and financial requirements anticipated during the negotiations, or if new information emerges that render those agreements insufficient for the purpose of concluding full and just compensation, the Congress of the United States would consider a petition on the issue; and

Whereas, the Republic of the Marshall Islands submitted such a "Changed Circumstances" petition on September 11, 2000, based on recently declassified data; and

Whereas, the Bush administration recently took a stand against further compensation under the Changed Circumstances petition, and

Whereas, just compensation and continued funding for promised medical and health programs for survivors of the atomic tests now depend upon Congress' favorable consideration of this petition; and

Whereas, over the past seventeen years, Hawaii has provided medical, educational, and other supportive services to lawful non-immigrants from the Republic of the Marshall Islands, without receiving adequate reimbursement from the United States; now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, That the United States Congress is respectfully requested to enact appropriate measures to provide for the full health needs of the hydrogen bomb tests survivors and their progeny, pay appropriate property damage claims, and provide for the costs of cleaning up nuclear sites in the Republic of the Marshall Islands in connection with hydrogen bomb testing on atolls of the Republic of the Marshall Islands; and be it further

Resolved, That the Legislature expresses deep regret for the harm done to the people of the Republic of the Marshall Islands and their homeland and hereby requests the Governor to declare March 1st as a Day of Remembrance for the survivors of the United States nuclear tests in the Republic of the Marshall Islands; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Chairperson of the United States House of Representatives Committee on Resources, Chairperson of the United States Senate Committee on Energy and Natural Resources, United States Secretary of Energy, Governor of Hawaii, members of Hawaii's Congressional delegation, President of the Republic of the Marshall Islands, Speaker of the Marshall Islands Nitijela, and Mayors of Bikini, Enewetak, Rongelap, and Utirik, and to ERUB I (survivors in Majuro) and ERUB II (survivors in Hawaii).