

## MESSAGES FROM THE HOUSE

At 12 noon, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2888. An act to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage recordkeeping and overtime compensation requirements certain specialized employees.

H.R. 3494. An act to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

## MEASURES REFERRED

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

H.R. 2888. An act to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage recordkeeping and overtime compensation requirements certain specialized employees; to the Committee on Labor and Human Resources.

H.R. 3494. An act to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes; to the Committee on the Judiciary.

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 1023. An act to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated antihemophilic factor, and for other purposes; to the Committee on Labor and Human Resources.

## 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-460. A joint resolution adopted by the Legislature of the State of Colorado; ordered to lie on the table.

## SENATE JOINT RESOLUTION 98-005

Whereas, legislation has been introduced in the United States House of Representatives (H.R. 2625) and the United States Senate (S. 1297) to rename the Washington National Airport as the "Ronald Reagan Washington National Airport"; and

Whereas, this federal legislation is intended to honor one of the greatest and most loved presidents of the United States; and

Whereas, president Ronald Reagan left the United States and the world a legacy of prosperity and freedom; and

Whereas, naming the gateway to the nation's capital after President Ronald Reagan is a fitting tribute to his contributions to our nation and to the world; and

Whereas, this dedication should be completed in honor of President Reagan's eighty-seventh birthday on February 6, 1998; Be it

*Resolved by the Senate of the Sixty-first General Assembly of the State of Colorado, the House of Representatives concurring herein:* That we, the members of the Colorado General Assembly, encourage the President and the Congress of the United States to enact

legislation to rename the Washington National Airport as the "Ronald Reagan Washington National Airport".

*Be it further resolved* That the Secretary of the Senate transmit copies of this resolution to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, and to each member of the Colorado delegation to the Congress of the United States.

POM-461. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Appropriations.

## RESOLUTIONS

Whereas, the Land and Water Conservation Fund, conceived in 1964 as a Federal-State partnership program, was created to expand the Nation's park and recreation system through funds received from off-shore oil leasing fees; and

Whereas, since 1995, the Land and Water Conservation Fund has not been funded, thereby denying States the opportunity to provide recreational facilities for families; and

Whereas, this lack of funding has hampered the States ability to effectively protect its valuable natural resources; and

Whereas, over \$127,000,000 could have been leveraged through the Land and Water Conservation Fund for the States of Massachusetts, Connecticut, New Hampshire, Rhode Island and Vermont had the stateside funding been available; and

Whereas, the reinstatement of this funding will directly affect the quality of life we can provide to our citizens and the protection we can give to our natural resources; therefore be it

*Resolved*, that the Massachusetts House of Representatives urges the Congress of the United States to reinstate full stateside funding of the Land and Water Conservation Fund to give States the means necessary to preserve their natural resources and open space from urban centers to coastal zones; and be it further

*Resolved*, that a copy of these resolutions be forwarded by the clerk of the House of Representatives to the presiding officer of each branch of Congress and to the Members thereof from this Commonwealth.

POM-462. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Appropriations.

## SENATE RESOLUTION NO. 172

Whereas, our country is strongly committed to equality of opportunity. An important government body working to put this commitment into action is the Equal Employment Opportunity Commission (EEOC), the nation's leading civil rights enforcement agency; and

Whereas, the EEOC currently has a backlog of 65,000 cases of discrimination to investigate to pursue justice for individual citizens victimized by unfair and illegal practices. The EEOC needs to direct its resources to these individuals, rather than to the pursuit of trying to find new instances of possible problems. It is much more prudent to handle specific cases of discrimination than to direct energies to test employers by using decoy job applicants to look for discriminatory behavior; and

Whereas, the administration's recommendation of increased spending for the EEOC is appropriate if the increased funds are targeted to address the backlog of discrimination cases that need to be investigated. The men and women victimized by discrimination deserve the protection of the EEOC and should not be made to wait longer

while resources are directed to less productive activities; now, therefore, be it

*Resolved by the Senate*, that we memorialize the Congress of the United States to increase funding to the Equal Employment Opportunity Commission to handle the backlog of individual cases; and be it further

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

POM-463. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

## LEGISLATIVE RESOLVE NO. 56

Whereas overcapitalization of fish harvesting capacity in the Bering Sea has resulted in highly compressed, derby-style fisheries; and

Whereas overcapitalized fisheries typically lead to excessive exploitation of a fishery resource, often resulting in a precipitous decrease in the economic yield of the fishery resource; and

Whereas the State of Alaska values sustainable fishery management principles, which include minimizing bycatch and waste, maximizing utilization of the fishery resources harvested, minimizing adverse effects of fishing gear on fish habitat, and maximizing economic returns on the public fishery resource for the benefit of Alaska communities and the citizens of the United States on the whole; and

Whereas Senator Ted Stevens of Alaska has, with the cosponsorship of Senators Murkowski, Breaux, and Hollings, introduced S. 1221, "American Fisheries Act"; and

Whereas S. 1221 would effectively limit fishing capacity in the Bering Sea fishing fleet through vessel size limitations and ownership requirements; and

Whereas S. 1221 would limit the maximum length, tonnage, and shaft horsepower of vessels engaging in domestic fisheries in the United States navigable waters and exclusive economic zone; and

Whereas S. 1221 would require that at least 75 percent of the controlling interest of a vessel engaged in the fisheries in the United States navigable waters and exclusive economic zone be owned by citizens of the United States; and

Whereas S. 1221 would correct a loophole in the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 that allowed vessels that were rebuilt in foreign shipyards to enter the fisheries off Alaska; and

Whereas S. 1221 would permanently prohibit federal loan guarantees for any vessel intended for use as a fishing vessel that does not meet size, tonnage, horsepower, and domestic ownership criteria; and

Whereas S. 1221 would effectively promote further Americanization of the fisheries of the United States;

*Be it resolved*, That the Alaska State Legislature supports those provisions of S. 1221, the "American Fisheries Act," that would reduce the fishing capacity of the Bering Sea fishing fleet and promote the Americanization of the fisheries of the United States; and be it

*Further Resolved*, That the Alaska State Legislature respectfully requests the Congress to pass S. 1221.

Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; and to the

Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM-464. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION 149

Whereas, in February 1997, the Federal Aviation Administration announced an initiative to demonstrate, validate, and deploy an air traffic management system in response to recommendations made by the White House Commission on Aviation Safety and Security, a plan known as Flight 2000, to accelerate the National Airspace System modernization, and is scheduled for demonstration in the year 2000 with deployment in 2005; and

Whereas, Flight 2000, a five-year program projected to cost \$400,000,000, will employ new technology, advanced communications, navigation, surveillance, and air traffic management capabilities to provide improved safety, security, capacity, and efficiency at affordable costs and will involve the integration of navigation satellites, digital communications, weather processors, cockpit displays, and air traffic control and flight planning tools; and

Whereas, Hawaii and Alaska, due to their geographic isolation, fixed quantity of aircraft operating exclusively in their respective areas, and relatively low cost of equipment, have been initially selected as demonstration sites that offer a controlled environment allowing a full scale evaluation involving all classes of aviation operators and all categories of airspace; and

Whereas, Hawaii's favorable weather, prominent topographic features, and need for few ground stations for support, offer the simplest, lowest risk, least costly, and safest evaluation site ideally suited to test Flight 2000 for intercity travel for improvement in services to pilots, to evaluate safety benefits and navigation systems reliability; and

Whereas, both sites are essential to evaluate different aspects of Flight 2000's total system capabilities; and

Whereas, the Oakland Air Route Traffic Control Center will also be involved in Flight 2000 in evaluating oceanic airspace operational improvements between Hawaii and the transition to domestic airspace; and

Whereas, as a test site, the Federal Aviation Administration will fund the upgrade of Hawaii's air traffic management infrastructure and the test aircraft equipment to provide the necessary communications, navigation, and surveillance equipment including the purchase, installation, and repair of aircraft avionics and multi-functional display equipment; and

Whereas, the Flight 2000 plan has been delayed by one year because federal funding did not materialize for fiscal year 1998 and there are indications that budget constraints may necessitate reducing the cost of Flight 2000 and placing the project back to its projected schedule by diminishing Hawaii's role as a test site and to conduct the evaluation exclusively in Alaska and in Oakland; and

Whereas, Hawaii has a key role in Flight 2000 in accelerating the operational deployment of technology to the rest of the nation and the world, toward increased flight safety and efficiency into the twenty-first century; and

Whereas, Hawaii and its citizens virtually depend on air transportation for the State's economic well-being, and Hawaii needs modern and efficient aviation systems to progress and develop its full resource potential; now, therefore, be it

*Resolved* by the House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, the Senate concurring, that the Federal Aviation Administration, the U.S. Senate Committee on Commerce, Science and Transportation and the U.S. House Committee on Transportation and Infrastructure promote actions to ensure that Hawaii remains a test site in the Flight 2000 demonstration project; and

*Be it further resolved*, That Hawaii's congressional delegation is strongly urged to assist the Federal Aviation Administration and the Senate and House committees in their efforts to promote Hawaii as a test site; and

*Be it further resolved*, That certified copies of this concurrent Resolution be transmitted to the Federal Aviation Administration, the U.S. Senate Committee on Commerce, Science and Transportation, the U.S. House Committee on Transportation and Infrastructure and Hawaii's congressional delegation.

POM-465. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 39

Whereas the Antiquities Act of 1906 (16 U.S.C. 431-433) grants authority to the President of the United States to establish national monuments; and

Whereas the Antiquities Act was intended to preserve only historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest; and

Whereas the Antiquities Act has been misused repeatedly to set aside enormous parcels of real property; and

Whereas the establishment in 1906 of the Grand Staircase-Escalante National Monument in southern Utah set aside 1,700,000 acres of land, despite the objections of public officials in the State of Utah, making it the largest national monument in the continental United States; and

Whereas this designation clearly violates the spirit and letter of the Antiquities Act that requires monument lands to "be confined to the smallest area" necessary to preserve and protect historical areas or objects; and

Whereas the creation of the Grand Staircase-Escalante National Monument has resulted in the loss of significant economic resources for the public schools and the taxpayers of the State of Utah; and

Whereas the power to establish national monuments can be checked only in limited circumstances; and

Whereas, in 1950, the State of Wyoming obtained statutory relief from the further establishment of national monuments without the express authorization of the Congress (16 U.S.C. 431a); be it

*Resolved*, That the Alaska State Legislature respectfully requests that the United States Congress enact legislation prohibiting the President of the United States from further extending or establishing national monuments without the express authorization of the Congress; and be it further

*Resolved*, That the Alaska State Legislature encourages the Governor to take action to encourage the federal government to provide the state with statutory relief from the establishment of national monuments in Alaska.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Trent Lott,

Majority Leader of the U.S. Senate; the Honorable Thomas Daschle, Minority Leader of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable Dick Army, Majority Leader of the U.S. House of Representatives; the Honorable Richard A. Gephardt, Minority Leader of the U.S. House of Representatives; the Honorable Orin Hatch and the Honorable Robert Bennett, U.S. Senators of the Utah delegation; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM-466. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 49

Whereas the Clinton Administration has directed the United States Department of Agriculture to establish an interim policy regarding roadless areas in national forests; and

Whereas the United States Department of Agriculture, Forest Service, is considering a proposed two-year moratorium on the building of roads in those roadless areas; and

Whereas the National Forest Management Act of 1976 requires that amendments to a forest plan be done in accordance with regulations that, among other things, allow the public to participate in the development, review, and revision of land management plans for national forests such as the Tongass National Forest and the Chugach National Forest; and

Whereas the Chugach National Forest land management plan revision was initiated in April of 1997, and this plan revision process is the appropriate venue for addressing road building and roadless area issues in the Chugach National Forest; and

Whereas, after an extensive public process, the Tongass Land Management Plan has already considered the management of roadless areas on the Tongass National Forest; and

Whereas the application of such a moratorium to the Tongass National Forest would be a unilateral amendment to the Tongass Land Management Plan, which the Forest Service has just revised at a cost to taxpayers exceeding \$13,000,000; and

Whereas, under the Tongass Land Management Plan, the United States Department of Agriculture, Forest Service, plans to offer an average of only 200,000,000 board feet of timber annually, which is far below the 300,000,000 board feet needed for the timber industry as determined by the Governor's Timber Task Force; and

Whereas the proposed moratorium could eliminate the timber industry that remains in Southeast Alaska by reducing the allowable sale quantity on the Tongass National Forest to nearly zero; and

Whereas application of the proposed moratorium in the state also violates the spirit of the "no more" provision of the Alaska National Interest Lands Conservation Act (ANILCA), which prohibits federal agencies from establishing new wilderness areas in the state without an act of Congress; be it

*Resolved*, That the Alaska State Legislature opposes any moratorium on the development of the roadless areas of national forests that overrides the forest planning process provided for by the National Forest Management Act of 1976, which allows full public participation in decisions affecting the multiple use of national forest lands; and be it further

*Resolved*, That the Alaska State Legislature opposes any moratorium, restriction, or

unilateral amendment to the Tongass Land Management Plan and the Chugach Land Management Plan that overrides the forest planning process required by the National Forest Management Act of 1976, which allows full public participation in decisions affecting the multiple use of national forest lands.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Dan Glickman, Secretary of Agriculture; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Dan Young, U.S. Representative, members of the Alaska delegation in Congress.

POM-467. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION 98-1039

Whereas, In 1997, the United States Bureau of Land Management (BLM) initiated in Colorado a wilderness reinventory of public lands beginning in western Colorado and including lands in Moffat, Mesa, Rio Blanco, Garfield, Montrose, Eagle, Delta, Fremont, Teller, El Paso, Chaffee, Montezuma, Hinsdale, Pitkin, San Miguel, Dolores, Conejos, and Gunnison counties; and

Whereas, To date, six areas in western Colorado have been reinventoried by the BLM for roadless or wilderness designation potential and are being managed to protect the potential, but not necessarily identified, wilderness values as the review process proceeds; and

Whereas, By managing lands as de facto wilderness areas, the BLM has determined to hold oil and gas leasing in abeyance and to limit other discretionary multiple uses on such lands until Congress determines whether the areas qualify for wilderness designation under the federal "Wilderness Act"; and

Whereas, Numerous questions have been raised regarding the BLM's authority to reinventor these lands for wilderness designation, and what, if any, meaningful public review has or will occur; and

Whereas, All Colorado BLM lands were reviewed under the initial wilderness study process as directed under the wilderness provisions of Section 603 of the federal "Land Policy Management Act" (FLPMA) and officially completed in November 1980, and after numerous opportunities for public input and comment, including public hearings, over 800,000 acres were designated Wilderness Study Areas, only then to be managed as wilderness under the interim wilderness management guidelines, with 400,000 acres subsequently recommended to the President for designation as wilderness; and

Whereas, Under Section 603 of FLPMA, the BLM completed the wilderness study and made its recommendations to the President in 1991 and the President submitted his recommendations for wilderness to Congress in 1993; and

Whereas, The lands currently selected for wilderness reinventory in 1997 were rejected by the BLM in the 1980's as not meeting wilderness criteria; and

Whereas, The BLM appears to be reinterpreting its roadless criteria in order to increase the amount of land eligible for consideration for wilderness designation by reevaluating approximately one million acres of land even though such land did not previously meet wilderness criteria and no significant new information has been presented to the BLM on these land issues; and

Whereas, The BLM is continuing to reinventor such lands prematurely before

Congress has acted on the President's recommendations; and

Whereas, The BLM is holding in abeyance multiple use activities on lands included as part of the reinventory resulting in detrimental economic impacts to the citizens of Colorado; now, therefore, be it

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

That we, the members of the Colorado General Assembly, hereby request:

(1) That BLM lands continue to be managed to allow for multiple uses in accordance with existing resource management plans until such time as plan amendments have been lawfully adopted; and

(2) That the United States Congress place a moratorium on any further funding to the BLM for the purpose of carrying out such roadless or wilderness reinventories until Congress acts on the President's 1993 recommendations.

*Be it further resolved.* That copies of this Joint Resolution be transmitted to the President of the United States, the United States Secretary of the Interior, the Director of the United States Bureau of Land Management, the Bureau of Land Management's Colorado State Director the President of the United States Senate the Speaker of the United States House of Representatives, and to each member of Colorado's delegation in the United States Congress.

POM-468. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Environment and Public Works.

#### SENATE JOINT RESOLUTION 15

Whereas the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) substantially revamped the federal-aid highway program and the federal transportation program; and

Whereas ISTEA gave more flexibility to state and local governments to apply innovative solutions to the transportation problems that they face; and

Whereas ISTEA has shifted the focus of the federal surface transportation program toward preservation of highway and transit systems, increased efficiency of existing transportation networks, and integration of transportation modes to enhance efficiency of the transportation system; and

Whereas the states and regional and local governments have invested time and energy in making ISTEA work and this investment should not be lost by significantly altering the programs initiated by ISTEA; and

Whereas the ISTEA programs can be strengthened by allowing greater flexibility between programs and within programs, by allowing greater flexibility to address maintenance needs, by reducing time-consuming federal reviews, mandates, and sanctions, and by allowing self-certification at the state level; and

Whereas the Federal Highway Administration has adopted a regulation requiring that a major investment study be undertaken by metropolitan planning organizations whenever the need for a major metropolitan transportation investment is identified; and

Whereas the major investment study requirement overlaps and duplicates planning and project development processes that are already in place under requirements for long-range planning and congestion management systems; and

Whereas Congress should retain the critical role of the federal government to help fund highway, bridge, ferry, and transit projects and to focus the national transportation policy on mobility, connectivity, integrity, safety, and economic competitiveness; and

Whereas the state of Alaska receives money under ISTEA for construction and improvement of roads, highways, and the marine highway system and for bridge replacement and rehabilitation, state and metropolitan transportation planning, transit programs, highway safety programs, and enforcement of truck and bus safety requirements; and

Whereas the state also receives assistance under ISTEA for transportation projects to alleviate air pollution in two areas of the state where air quality does not meet national ambient air quality standards; and

Whereas 4,300 miles, or about 32 percent of the total mileage, of roads in the state are eligible for federal assistance under ISTEA; and

Whereas the State of Alaska has relied heavily on federal assistance to support construction and improvement of the surface transportation system in the state; and

Whereas continued federal assistance is essential to the establishment of the surface transportation system in the state; and

Whereas the existing surface transportation system in Alaska needs significant repair and maintenance in order to remain a safe and efficient system; and

Whereas surface transportation in Alaska is subject to extreme Arctic and sub-Arctic climate and soil conditions; and

Whereas the State of Alaska cannot maintain or expand the surface transportation system in Alaska without continued federal assistance; and

Whereas the funding authorizations for federal assistance and transportation programs under ISTEA expired September 30, 1997; be it

*Resolved.* That the Alaska State Legislature respectfully requests the Congress to reauthorize the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) as soon as possible; and be it further

*Resolved.* That the Alaska State Legislature respectfully requests the Congress to authorize increased funding for surface transportation projects under ISTEA, if possible, but, in any case, to maintain the current levels of funding available under ISTEA; and be it further

*Resolved.* That the Alaska State Legislature respectfully requests the Congress to allow for a portion of the enhancement set aside funds to be used to maintain or improve pioneer access trails and historical roadways; and be it further

*Resolved.* That the Alaska State Legislature respectfully requests the Congress to allow for a portion of the enhancement set aside funds to be used to maintain trails and other facilities that are constructed under that program; and be it further

*Resolved.* That the Alaska State Legislature respectfully requests the Congress to authorize greater use of ISTEA funds for maintenance and repair of existing roads and highways; and be it further

*Resolved.* That the Alaska State Legislature respectfully requests the Congress to eliminate the requirement for major investment studies under 23 C.F.R. 450.318 as part of the reauthorization of ISTEA; and be it further

*Resolved.* That the Alaska State Legislature respectfully requests the Congress to authorize greater flexibility in the construction of low volume roads suited to Alaska's remoteness and sub-Arctic and Arctic environment.

Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable John McCain, Chair, Committee on Commerce, Science, and

Transportation, U.S. Senate; and the Honorable Bud Shuster, Chair, Committee on Transportation and Infrastructure, U.S. House of Representatives; the Honorable Rodney E. Slater, Secretary, U.S. Department of Transportation; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM-469. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT RESOLUTION 161

Whereas, a safe and efficient highway system is essential to the nation's international competitiveness, key to domestic productivity, and vital to our quality of life; and

Whereas, Hawaii has critical highway investment needs that cannot be addressed with current financial resources. The Federal Highway Administration rates 313 miles of Hawaii's most important roads in either poor or mediocre condition and judges 51 per cent of our bridges to be deficient; and

Whereas, the current level of federal funding for the nation's highway system is inadequate to meet rehabilitation needs, to protect the safety of the traveling public, to begin solving congestion and rural access problems, to conduct adequate transportation research, and to keep the United States competitive in a global economy; and

Whereas, the federal highway program is financed by dedicated user fees collected from motorists to improve the highway system and deposited into the federal Highway Trust Fund. The Taxpayer Relief Act of 1997 transferred all federal motor fuel taxes into the Highway Trust Fund but provided no mechanism to ensure the funds are spent; and

Whereas, the 1998 congressional budget would constrain federal highway spending well below the level of highway tax receipts, allowing the Highway Trust Fund's cash balance to grow from just over \$22 billion today to more than \$70 billion by 2003; and

Whereas, Hawaii and other states will be prohibited from obligating any federal highway funds after April 30, 1998, unless Congress and the President enact new highway legislation by that date; and

Whereas, without federal highway funds, many states will be forced to delay life-saving safety improvements, congestion relief projects, and other road and bridge improvements; now, therefore, be it

*Resolved by the Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, the House of Representatives concurring,* That the United States Congress enact legislation reauthorizing the federal highway program by May 1, 1998; and be it further

*Resolved,* That the reauthorization bill should fund the federal highway program at the highest level that the user-financed Highway Trust Fund will support; 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 Hawaii's congressional delegation.

POM-470. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Environment and Public Works.

#### SENATE JOINT MEMORIAL 98-001

Whereas, in 1996, the Congress of the United States enacted Public Law 95-104,

which amended title 4 of the United States Code to limit state taxation of certain pension income; and

Whereas, section 1(a) of Public Law 95-104, codified at 4 U.S.C. sec. 114, prohibits states from imposing an income tax on any retirement payments made by an employer of such state to an individual who has terminated employment in and who is not a resident of such state; and

Whereas, severance payments and termination payments made by an employer to a nonresidential individual are not accorded the same tax treatment as retirement income under 4 U.S.C. sec. 114 and are therefore subject to the income tax of the state where the employer making such severance payments and termination payments is located; and

Whereas, the result of this inconsistent tax treatment of similar retirement payments is that severance payments and termination payments may be taxable to the employee in both the state of the employee's former residence and the state in which the employee currently resides; and

Whereas, subjecting severance payments and termination payments to different tax treatment than other retirement payments and income results in inconsistent and inequitable treatment of severance payments and termination payments to taxpayers that have relocated to another state after terminating their employment; and

Whereas, the enactment of federal legislation that prohibits a state from imposing an income tax on severance payments and termination payments to an individual that is not a resident of that state will result in the tax treatment of such payments that is consistent with the tax treatment of other retirement income; now, therefore, be it

*Resolved by the Senate of the Sixty-first General Assembly of the State of Colorado, the House of Representatives concurring herein.* That the Congress of the United States is hereby memorialized to adopt legislation amending 4 U.S.C. sec. 114 to include severance payments and termination payments within the retirement income of a nonresidential individual upon which states may not impose income tax.

*Be It Further Resolved,* That copies of this Joint Memorial be sent to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of Colorado's congressional delegation.

POM-471. A resolution adopted by the Senate of the Legislature of the State of Michigan, to the Committee on Finance.

Whereas, there is a proposal under discussion promoting a new special tax on sport utility vehicles (SUVs). Media reports indicate that environmental groups are advocating a new federal excise tax on these popular vehicles as a means of raising revenue for conservation purposes. The campaign is centered on the need to preserve threatened natural resources; and

Whereas, while the need for responsible actions on the environment is inarguable, the link to new taxes on sport utility vehicles is clearly invalid. Contrary to the belief of some, sport utility vehicles are used for off-road driving by only a very small percentage of owners. The image of all of these vehicles damaging the environment through off-road use is inaccurate. The proposed new tax is, instead, unfairly targeted to penalize a certain segment of the market and take advantage of the popularity of SUVs. In Michigan, people using vehicles for off-road purposes already finance outdoors recreation through a licensing program; and

Whereas, special purpose taxes that are not based on clear logic and fairness serve to

erode public confidence in government. The idea of taxing a certain category of vehicles—used almost entirely in the same manner as automobiles of any size or description—based on misconceptions and inaccuracies is wrong; now, therefore, be it

*Resolved by the Senate,* That we memorialize the Congress of the United States to refrain from imposing any special taxes on sport utility vehicles; and be it further

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

POM-472. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 12

Whereas, the North American Free Trade Agreement (NAFTA) enabling legislation was approved by the United States House of Representatives by a vote of 234-200 on November 17, 1993, and by the United States Senate, 61-38, on November 20, 1993; and

Whereas, NAFTA enabling legislation was signed into law by President Clinton on December 8, 1993; and

Whereas, NAFTA is a 20,000-page, multilateral trade agreement between the United States, Canada, and Mexico; and

Whereas, multilateral managed trade agreements like NAFTA are exporting middle-class jobs from Michigan to Third World countries like Mexico; and

Whereas, the Mexican peso collapsed in a financial crisis following NAFTA's approval; and

Whereas, NAFTA's supporters engineered a \$50 billion dollar bailout of the Mexican peso paid for by American taxpayers; and

Whereas, the bailout of the peso enriched wealthy owners of peso-dominated debt instruments at the expense of middle-class American taxpayers; and

Whereas, Argentina and Chile have experienced financial instability and currency devaluations in the last decade; and

Whereas, lacking a sound monetary system, the potential for financial instability persists in other Latin American countries like Argentina and Chile under a multilateral managed trade agreement; and

Whereas, working families believe that expanding trade is good for a healthy economy, but American workers have learned from the NAFTA experience that, without protections, job loss, wage reductions, and a weaker voice in the workplace are the result; and

Whereas, as the country continues to remove barriers to trade through new agreements, those agreements must protect worker rights, labor standards, and environmental quality in all countries that are a party to the agreement; and

Whereas, any grant of trade negotiating authority to the administration that gives up Congress's ability to make changes in trade agreements submitted for its approval must also contain strong provisions for addressing worker rights, labor standards, and environmental protection. These provisions must be part of the core agreement and must be subject to the same dispute settlement procedures available to other covered issues; now, therefore, be it

*Resolved by the House of Representatives,* That we memorialize the Congress of the United States to oppose extension of the North American Free Trade Agreement (NAFTA) to other Latin American countries; and be it further

*Resolved,* That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United

States House of Representatives and members of the Michigan congressional delegation.

POM-473. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 705

Whereas, the State of Tennessee is almost entirely within the service area of the Tennessee Valley Authority ("TVA"), and, with one exception, all electric power in Tennessee is generated by the TVA and distributed by public power companies or electric cooperatives; and

Whereas, the TVA has provided electric power to the State of Tennessee and to the Tennessee Valley since its inception in 1933; and

Whereas, in the last few years, considerable interest has arisen in the deregulation of the sale of electricity in the United States; and

Whereas, each state, including Tennessee, has unique electric power supply sources and demand requirements that cannot readily be accommodated by a federally mandated national time period for full competition; and

Whereas, wholesale or retail electric power competition in the Tennessee Valley is possibly completely dependent upon congressional decision with regard to the TVA; and

Whereas, the General Assembly of the State of Tennessee has created a special study committee for the review of issues arising from the possible deregulation of the electric power industry in Tennessee; and

Whereas, the Electric Deregulation Study Committee has devoted many hours over the last year to the study of the potential impact of the deregulation of the electric power industry in Tennessee; and

Whereas, it has become clear to the members of the Electric Deregulation Study Committee that the federal government does not have the knowledge or resources necessary to determine completely the particular needs of the consumers of electric power in the State of Tennessee; now, therefore,

*Be it Resolved by the Senate of the One-Hundredth General Assembly of the State of Tennessee, the House of Representatives Concurring,* That the members of this General Assembly strongly urge the Congress of the United States not to take action to mandate competition in the retail or wholesale of electricity without special and careful consideration of the interests of the people of the Tennessee Valley.

*Be it further resolved,* That the timing for deregulation be left to the General Assembly of the State of Tennessee, consistent with the congressional action necessary to allow competition in the Tennessee Valley.

*Be it further resolved,* That an appropriate copy of this resolution be prepared for presentation to the President of the United States Senate, the Speaker of the United States House of Representatives, each United States Senator and each United States Representative representing the State of Tennessee, the Secretary of the United States Department of Energy and to the President and Vice President of the United States.

POM-474. A resolution adopted by the Senate of the Legislature of the State of Tennessee; to the Committee on Finance.

SENATE RESOLUTION NO. 148

Whereas, maintaining patient access to affordable, quality health care is of paramount concern to the well-being of all Americans; and

Whereas, recently proposed regulations by members of Congress to implement the 1993 amendments to the "Stark" law as they affect the provision of chemotherapy in the physician office setting pose a serious threat to the health of cancer patients in this country; and

Whereas, these proposed regulations, if enacted, would reduce chemotherapy reimbursement to acquisition costs, while failing to adequately pay for other activities needed to provide and support patient chemotherapy in outpatient settings; and

Whereas, such regulations would make it financially impossible to treat cancer patients in offices; in addition, significant concerns exist as to how the Health Care Financing Administration would implement Ambulatory Patient Categories and whether the Administration would attempt to severely limit chemotherapy reimbursements in hospitals; and

Whereas, the administration of outpatient chemotherapy in physician office settings is a safer, more convenient and more cost-effective method for patients to receive their chemotherapy treatments; and

Whereas, many of these patients will suffer needlessly if forced to travel long distances to treatment sites rather than being able to utilize the services of their local physicians; and

Whereas, these amendments, if adopted, would threaten the very existence of community cancer care as we know it, not to mention its impact on community oncology in offices, clinics, groups and hospitals, which strive to ensure that cancer patients receive the quality care they deserve; and

Whereas, although the oncology community and Congress agreed in the Balanced Budget Act to set reimbursement for physician-administered chemotherapy and supportive therapies at AWP minus 5%, the HCFA has advocated such amendments to the Stark II regulations within days of the congressional agreement's implementation, without waiting to determine the impact of the agreement; and

Whereas, with 70% of all chemotherapy being delivered outside hospital settings in physician offices and clinics, most of these locations would be forced to close if these amendments were adopted, resulting in the dismissal of oncology nursing staff that patients rely on to accurately deliver chemotherapy, and the loss of quality control in the mixing of chemotherapy and supervision of its administration by trained physicians and nurses; and

Whereas, while the HCFA believes that eliminating the margin on chemotherapy in office settings will create a major windfall, the proposed amendments to the Stark II regulations will only serve to harm those persons in greatest need of medical assistance; now, therefore, be it

*Resolved by the Senate of the One-Hundredth General Assembly of the State of Tennessee,* That we respectfully urge the Congress of the United States to address this important issue by not adopting the proposed amendments to the Stark II regulations.

*Be it further resolved,* That appropriate copies of this resolution be transmitted forthwith to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Tennessee Congressional Delegation.

POM-475. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION 98-023

Whereas, the United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change ("FCCC"); and

Whereas, a proposed protocol to expand the scope of the FCCC was negotiated in December 1997 in Kyoto, Japan ("Kyoto Protocol"), potentially requiring the United States to reduce emissions of greenhouse gases by 7 percent from 1990 levels during the period 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, President William J. Clinton pledged on October 22, 1997, "That the United States not assume binding obligations (in Kyoto) unless key developing nations meaningfully participate in this effort"; and

Whereas, on July 25, 1997, the United States Senate adopted Senate Resolution No. 98 by a vote of 95-0, expressing the sense of the Senate that "The United States should not be a signatory to any protocol or other agreement regarding the Framework Convention on Climate Change . . . which would require the advice and consent of the Senate to ratification, and which would mandate new commitments to mitigate greenhouse gas emissions for the developed country parties unless the protocol or other agreement also mandates specific scheduled legally binding commitments within the same compliance period to mitigate greenhouse gas emissions for developing country parties."; and

Whereas, developing nations are exempt from greenhouse gas emission limitation requirements in the FCCC, and refused in the Kyoto negotiations to accept any new commitments for greenhouse gas emission limitations through the Kyoto Protocol; and

Whereas, emissions of greenhouse gases such as carbon dioxide are caused primarily by the combustion of oil, coal, and natural gas fuels by industries, automobiles, homes, and other use of energy; and

Whereas, the United States relies on carbon-based fossil fuels for more than ninety percent of its total energy supply; and

Whereas, achieving the emission reductions proposed by the Kyoto Protocol would require an approximately thirty-eight percent reduction in projected United States carbon emissions during the period 2008 to 2012; and

Whereas, developing countries exempt from emission limitations under the Kyoto Protocol are expected to increase their rates of fossil fuel use over the next two decades, and to surpass the United States and other industrialized countries in total emissions of greenhouse gases; and

Whereas, studies prepared by the economic forecasting group WEFA, Inc., estimate that legally binding requirements for the reduction of United States greenhouse gases below 1990 emission levels would result in the loss of more than 29,500 Colorado jobs, with the unemployment rate approaching five percent in 2010, while subjecting Colorado's citizens to higher energy, housing, medical, and food costs that would reduce Colorado tax revenue by \$420 million; and

Whereas, the failure to provide for commitments by developing countries in the Kyoto Protocol creates an unfair competitive imbalance between industrial and developing nations, potentially leading to the transfer of jobs and industrial development from the United States to developing countries; and

Whereas, increased emissions of greenhouse gases by developing countries would offset any environmental benefits associated with emissions reductions achieved by the United States and by other industrial nations; now, therefore, be it

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

(1) That we, the members of the General Assembly, strongly urge the President of the United States not to sign the Kyoto Protocol to the FCCC;

(2) That, if the President does sign the Kyoto Protocol, we strongly urge the United States Senate not to ratify the treaty; and

(3) That we request that no federal or state agency take any action to initiate strategies

to reduce greenhouse gases as required by the Kyoto Protocol until it is revised to include specific scheduled commitments for developing countries to mitigate greenhouse gas emissions within the same compliance period required for developed countries.

*Be it further resolved*, That copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Colorado's delegation in the United States Congress.

POM-476. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Governmental Affairs.

STATE OF HAWAII,  
STATE CAPITOL,

Honolulu, Hawaii, May 15, 1998.

Hon. ALBERT GORE, JR.  
Vice President, Old Executive Office Building,  
Washington, DC.

DEAR MR. VICE PRESIDENT: I have the honor to transmit herewith Senate Concurrent Resolution No. 172, S.D. 1, which was adopted on April 16, 1998 by the Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998.

Sincerely yours,

PAUL T. KAWAGUCHI,  
Clerk of the Senate.

Enclosure.

#### SENATE CONCURRENT RESOLUTION 172

Whereas, in a period of resource constraints, citizens still want to improve Hawaii's quality of life; and

Whereas, Hawaii's citizens have come together to adopt benchmarks representing public goals, and indicators of progress towards meeting those goals; and

Whereas, formation of performance partnerships with the federal government, local government, and the private sector offer the possibility of achieving results through collaborative means without additional state funds; and

Whereas, performance management requires measuring progress towards benchmarks on a regular systematic basis; and

Whereas, partners should be rewarded for success evidenced by both high performance and improved performance; and

Whereas, the federal government is exploring rewarding additional funds as an incentive to states that make improvement; and

Whereas, the federal government is exploring rewarding high performing states with additional flexibility or reduced matching requirements; and

Whereas, the Office of the Governor has invited the National Performance Review, under the direction of Vice President Al Gore, to explore mutual goals for reinventing government and improving intergovernmental service delivery; and

Whereas, National Performance Review staff visited Hawaii in November 1997 and met with community-government partnerships, legislators, and groups of concerned citizens that support a shift to measuring performance results to chart progress towards public goals; now, therefore, be it

*Resolved by the Senate of the nineteenth Legislature of the State of Hawaii, Regular Session of 1998, the House of Representatives concurring*, That the Office of the Governor is requested to proceed with discussions which may lead to a letter of agreement with the National Performance Review committing both the state and federal governments to explore reducing barriers to reinventing government by shifting to performance management and performance partnerships to achieve public goals; and be it further

*Resolved*, That the federal government be requested to assign a liaison from the Na-

tional Performance Review to assist Hawaii in creating performance partnerships with communities, the non-profit sector, and the business community to improve results on achieving public goals, such as the Good Beginnings Alliance, the proposed Waipahu partnership and partnership efforts in other communities; and be it further

*Resolved*, That a steering committee composed of representatives nominated by the Legislature, the Hawaii Community Services Council's Ke Ala Hoku project, the Hawaii Business Roundtable, The Chamber of Commerce of Hawaii, and persons with experience in management, re-engineering of service delivery, fiscal, and governance systems, and assessment be convened to advise the governor on the goals of the National Performance Review partnership; and be it further

*Resolved*, That the steering committee is requested to develop plans for the following:

(1) A *results measurement system* which provides regular reports on progress towards achieving outcomes to policy makers and the public;

(2) A *performance partnership development mechanism* which convenes the stakeholders in achieving individual benchmarks to develop new program, fiscal, and governance strategies; and be it further

*Resolved*, That the Governor is requested to report on the progress made in developing performance management mechanisms with the assistance of the National Performance Review twenty days prior to the start of the 1999 Legislative Session; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the Governor, Vice President Al Gore, the National Performance Review, the Aloha United Way Board of Directors, the Hawaii Community Services Council, the Hawaii Community Foundation, the Hawaii Business Roundtable, and The Chamber of Commerce of Hawaii.

POM-477. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

#### HOUSE CONCURRENT MEMORIAL 2009

Whereas, criminal defendants are afforded numerous federal rights and procedural protections; and

Whereas, victims of crime are not afforded any federal rights or protections; and

Whereas, the people of this state believe in the individual rights and liberties of all persons and have amended the Constitution of Arizona to provide crime victims with rights.

*Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:*

1. That the Congress of the United States propose to the people an amendment to the Constitution of the United States that provides rights to crime victims and that embodies the following principles:

(a) The right to be informed of and not excluded from any public proceedings relating to the crime.

(b) The right to be heard regarding any release from custody and to consideration for the safety of the victim in determining any release.

(c) The right to be heard regarding the acceptance of any negotiated plea or sentence.

(d) The right to receive notice of release or escape.

(e) The right to a trial that is free from unreasonable delay.

(f) The right to restitution.

(g) The right to receive notice of victims' rights.

2. That any amendment to the Constitution of the United States to establish rights

for crime victims grant standing to victims of crime to assert all rights established by the Constitution.

3. That the state legislature have the power to implement and enforce the rights in the Arizona criminal justice system.

4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-478. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

#### ASSEMBLY JOINT RESOLUTION NO. 66

Whereas, during World War II, the United States government orchestrated, financed, and directed the mass arrest and deportation of 2,264 men, women, and children of Japanese ancestry from various Latin American countries to United States internment camps, according to a 1983 Congressional report; and

Whereas, the United States government carried out this program to use these civilians in prisoner exchanges for Americans held by the Japanese during the war; and

Whereas, twelve Latin American governments—Bolivia, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, and Peru—supported this mass arrest and deportation; and

Whereas, in violation of basic human rights, the United States abducted those persons without charges, hearings, or any kind of due process and forcibly transported them to Immigration and Naturalization Service detention facilities in a country and culture foreign to them, far away from their homes; and

Whereas, over 860 Japanese Latin Americans were sent to Japan in prisoner-of-war exchanges, while about 1,400 remained incarcerated in United States internment camps until the end of the war; and

Whereas, Congress passed the Civil Liberties Act of 1988 (50 U.S.C. Sec. 1989 et seq.), which provided an official apology and restitution to Japanese American internees; and

Whereas, The Japanese Latin American internees and their families seek the same official apology and restitution provided the Japanese American internees; and

Whereas, the Japanese Latin American internees and their families seek the United States government's acknowledgment of this tragic and largely unknown experience; and

Whereas, a federal class action lawsuit was filed on August 28, 1996, challenging the denial of redress to the Japanese Latin American internees and their families under the Civil Liberties Act of 1988; and

Whereas, more than 80 Members of Congress from across the country have publicly expressed their support for redress for the Japanese Latin American internees; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California supports the granting of an official apology and restitution to World War II Japanese Latin American internees pursuant to federal law; 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, and to each Senator and Representative from California in the Congress of the United States.

POM-479. A concurrent resolution adopted by the Legislature of the State of Oklahoma; to the Committee on the Judiciary.

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with the federal courts' interpretation of federal law; and

Whereas, the federal courts have strayed from the intent of our founding fathers and the United States Constitution through inappropriate judicial tax mandates; and

Whereas, these mandates by way of judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, these court actions violate the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the United States Constitution is retained by the people who, by their consent alone, do delegate such power to tax explicitly to themselves or those duly elected representatives being directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the United States Constitution; and

Whereas, the amendment was previously introduced in the United States Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes: Now, therefore, be it

*Resolved by the Senate of the 2nd session of the 46th Oklahoma Legislature, the House of Representatives concurring therein,* That the United States Congress prepare and submit to the several states an amendment to the United States Constitution to add a new article providing as follows:

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

That the Secretary of State is hereby directed to distribute copies of this resolution to the President and Vice President of the United States, the Presiding Officer in each house of the legislature in each of the states of the Union, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate and to each member of the States of Oklahoma Congressional Delegation.

POM-480. A resolution adopted by the Legislature of the Commonwealth of Pennsylvania; to the Committee on Labor and Human Resources.

#### HOUSE RESOLUTION NO. 443

Whereas, it is estimated that 26,800 new cases of ovarian cancer developed in the United States in 1997; and

Whereas, ovarian cancer caused approximately 14,200 deaths in 1997; and

Whereas, ovarian cancer ranks second among gynecological cancers in the number of new cases each year and causes more deaths than any other cancer of the female reproductive system; and

Whereas, approximately 78% of ovarian cancer patients survive longer than one year

after diagnosis and more than 46% of these patients survive longer than five years after diagnosis; and

Whereas, if diagnosed and treated before the cancer spreads outside of the ovary, the five-year survival rate is 92%, but approximately only 24% of all cases of ovarian cancer is detected at this stage; and

Whereas, ovarian cancer research is desperately needed to serve as encouragement to more women to undergo screening tests earlier as well as to reduce the medical costs associated with later discovery; and

Whereas, H.R. 953 in the House of Representatives of the United States, to be known as the Ovarian Cancer Research and Information Amendments of 1997, would authorize \$90 million to conduct ovarian cancer research; therefore be it

*Resolved,* That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President of the United States and the Congress of the United States to enact H.R. 953, the Ovarian Cancer Research and Information Amendments of 1997; and be it further

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

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ALLARD (for himself, Mr. BROWNBACK, and Mr. DEWINE):

S. 2170. A bill to amend the Internal Revenue Code of 1986 to eliminate the temporary increase in unemployment tax; to the Committee on Finance.

By Mr. BUMPERS:

S. 2171. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas; to the Committee on Energy and Natural Resources.

By Mr. GREGG (for himself and Mr. STEVENS):

S. 2172. A bill to authorize the National Fish and Wildlife Foundation to establish a whale conservation fund, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND:

S. 2173. A bill to amend the Rehabilitation Act of 1973 to provide for research and development of assistance technology and universally designed technology, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM:

S. 2174. A bill to amend the Wagner-Peyser Act to clarify that nothing in that Act shall prohibit a State from using individuals other than merit-staffed of civil service employees of the State (or any political subdivision thereof) in providing employment services under that Act; to the Committee on Labor and Human Resources.

By Mr. CRAIG:

S. 2175. A bill to safeguard the privacy of certain identification records and name checks, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON (for himself, Mr. BYRD, Mr. THURMOND, Mr. LOTT, and Mr. ROTH):

S. 2176. A bill to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the "Vacancies Act") to clarify statutory requirements relat-

ing to vacancies in and appointments to certain Federal offices, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUE:

S. 2177. A bill to express the sense of the Congress that the President should award a Presidential unit citation to the final crew of the U.S.S. INDIANAPOLIS, which was sunk on July 30, 1945; to the Committee on Armed Services.

By Mr. KOHL (for himself and Mr. D'AMATO):

S. 2178. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to insure mortgages for the acquisition, construction, or substantial rehabilitation of child care and development facilities and to establish the Children's Development Commission to certify such facilities for such insurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MOSELEY-BRAUN:

S. 2179. A bill to amend the International Emergency Economic Powers Act to clarify the conditions under which export controls may be imposed on agricultural products; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. 2180. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN):

S. Res. 249. A resolution to congratulate the Chicago Bulls on winning the 1998 National Basketball Association Championship; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD (for himself, Mr. BROWNBACK, and Mr. DEWINE):

S. 2170. A bill to amend the Internal Revenue Code of 1986 to eliminate the temporary increase in unemployment tax; to the Committee on Finance.

#### LEGISLATION TO REPEAL TEMPORARY UNEMPLOYMENT TAX

Mr. ALLARD. Mr. President, today I introduce legislation to repeal the "temporary" 0.2 percent Federal Unemployment Tax (FUTA) surtax.

The "temporary" surtax was enacted by Congress in 1976 to repay the general fund of the Treasury for funds borrowed by the unemployment trust fund. While the borrowings were repaid in 1987, Congress has continued to extend the surtax in tax bill after tax bill.

Since 1987, Congress has used extension of the surtax to help pay for tax packages. In fact, the surtax was most recently extended to help pay for the 1997 tax bill.

This is unfair to small business which has been told repeatedly that the surtax was temporary and would be