

EC-9105. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-9106. A communication from the Secretary of Defense, transmitting the report of a retirement; to the Committee on Armed Services.

EC-9107. A communication from the Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the status of the Oxford House Project; to the Committee on Armed Services.

EC-9108. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Canada; to the Committee on Foreign Relations.

EC-9109. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Norway, Ukraine, Russia and the United Kingdom; to the Committee on Foreign Relations.

EC-9110. A communication from the Government Printing Office, transmitting the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-9111. A communication from the Federal Election Commission, transmitting the annual report for calendar year 1999; to the Committee on Rules and Administration.

EC-9112. A communication from the John F. Kennedy Center for the Performing Arts transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Rules and Administration.

EC-9113. A communication from the Assistant Secretary of the Interior, Indian Affairs transmitting, pursuant to law, a report relative to the use and distribution of the settlement funds that are being held in trust for the Menominee Indian Tribe of Wisconsin; to the Committee on Indian 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-524. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to the collection of certain kinds of information from patients in a home health care setting; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 20

Whereas, the quality of health care for home health agency patients is highly desired, the health care provided by the home health agency needs to be examined in order to ascertain whether improvements are necessary, and to determine what aspects to improve; and

Whereas, the Balanced Budget Act of 1997 created a new Medicare payment system to improve the existing payment system, and must be in place by October 2000. The Health Care Financing Administration (HCFA) will force home health care agencies to collect and report personal and medical information; and

Whereas, this sensitive personal information will be collected and used, without the consent of the patients, not only to create the new Medicare payment system, but also to improve quality of care, and eliminate fraud; and

Whereas, home health care agencies participating to Medicare and Medicaid are collecting patient information, and data transmission from the states to HCFA has commenced; and

Whereas, the Outcome and Assessment Information Set (OASIS) survey is the 19-page conduit required by HCFA to collect a range of medical and personal questions from more than 9,000 Medicare certified home health care providers to complete in order to assess more than 4,000,000 patients; and

Whereas, patients who receive federal benefits must disclose personal information including physical, mental, and functional information: patients' medical history; living arrangements; sensory status; medications; and emotional status through behavioral and psychological profiles. Home health care patients who do not collect federal benefits must also disclose personal information in a scaled back version of the OASIS survey; and

Whereas, the American Civil Liberties Union (ACLU) asserts that the database will be used to perform outcomes research on home-care patients; and

Whereas, the ACLU is concerned with HCFA's collection of data because it cannot justify overriding the Fourth Amendment of the U.S. Constitution, the requirements of medical ethics, and the federal regulations on research involving human subjects, which asserts that any research using fully identified information requires fully informed consent; and

Whereas, HCFA is unwilling to allow patients to opt out of this data collection system; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That due to HCFA's intrusion of government bureaucracy into private transactions that take place outside of a federal program into personal liberty and privacy, New Hampshire urges Congress to block HCFA's intrusive regulations, and to work to protect the personal liberty and privacy of every American; and

That copies of this resolution, signed by the speaker of the house of representatives and the president of the senate, be forwarded by the house clerk to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to the governor of each state.

POM-525. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to Medicare coverage for immunosuppressive drugs; to the Committee on Finance.

SENATE RESOLUTION NO. 153

Whereas, The medical community has made remarkable advancements in the effectiveness of immunosuppressive drugs that are used to prevent organ rejection in transplant patients. This has contributed to the great strides that have occurred in the field of organ transplantation; and

Whereas, While these drugs are expensive, the quality of life they afford and the more costly health procedures they can avoid make immunosuppressive medicines a worthwhile investment. In many instances, people previously disabled for long periods of time are able to return to work and live a full life as productive citizens; and

Whereas, Under current law, Medicare will provide for immunosuppressive drugs for up to three years following a transplant. It has become apparent to those in the medical community working with patients receiving kidneys, hearts, and livers that this limit puts transplant recipients at risk and is counterproductive. In contrast to the limited coverage for the immunosuppressive drugs, for example, a patient needing kidney dialy-

sis can receive coverage for that procedure indefinitely. Costs for dialysis are significantly higher than for most immunosuppressive regimens. A successful transplant patient is more likely to return to work than many dialysis patients; and

Whereas, Congress is presently considering measures that would extend Medicare coverage for immunosuppressive drugs. This step is a most appropriate response to the needs of transplant patients and a more effective long-term approach to a serious health-care issue; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to remove the time limit for Medicare coverage for immunosuppressive drugs; 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-526. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the responsible use of agricultural biotechnology for the benefit of Hawaii's people; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 37

Whereas, biotechnology refers to any technique that uses living organisms or parts thereof to make or modify a product or plants, animals, or microorganisms for specific uses; and

Whereas, traditional biotechnology, primarily breeding and selection, has been used by humankind for thousands of years for the improvement of plants, animals, and microorganisms; and

Whereas, in the last three decades scientific advances in molecular biology have resulted in what is known as recombinant DNA technology or "genetic engineering" with the ability to readily move genetic material between more distantly related organisms; and

Whereas, the key components of modern biotechnology are genomics, the molecular characterization of all genes and gene products of a species; bioinformatics, the assembly of data from genomic analysis into accessible and usable forms; transformation, the introduction of single genes conferring useful traits into plants, livestock, fish, tree species, etc.; the identification and evaluation of useful traits in breeding by the use of marker-assisted selection; diagnostics, the more accurate and quicker identification of disease-causing agents, or pathogens, by using new diagnostic techniques based on the molecular characterization of pathogens; and vaccine technology, the use of modern immunology to develop recombinant DNA vaccines for improved control against lethal diseases; and

Whereas, the papaya industry in Hawaii survived the risks of disease and pest infestations with transgenic seeds made possible from advances in biotechnology; and

Whereas, organisms improved, or "transformed," through modern biotechnology are commonly referred to as "genetically-modified" or "bioengineered organisms"; and

Whereas, modern biotechnology has several advantages over traditional biotechnology including the ability to transfer a single, specific gene providing a useful trait to a target organism, the more rapid development of varieties containing new and desirable traits, the knowledge that a specific gene or set of genes produce a desired trait, and the availability of the entire span of genetic capabilities among all organisms; and

Whereas, modern biotechnology is being used to increase the productivity of crops and livestock, to improve the quality of life by developing new high-yielding crops that require fewer inputs and conserve natural resources, to increase the food supply for a rapidly increasing human population, to produce more nutritious foods with longer shelf lives, and to continue to provide consumers with high-quality, low-cost food products; and

Whereas, it is estimated that in 1999 about 100 million acres worldwide were planted with transgenic varieties of more than 20 crop species and the value of transgenic crops grew from \$75 million in 1995 to \$1.64 billion in 1998; and

Whereas, the National Research Council has stated that bioengineered crops should provide no greater risk to the environment than those crops using traditional biotechnology; and

Whereas, further advances in modern biotechnology may result in crops, for example, that combat vitamin and mineral deficiencies that afflict hundreds of millions of people worldwide or that can be used to produce life-saving vaccines and biodegradable plastics; and

Whereas, a 1999 report of the Nuffield Council on Bioethics concluded that there is compelling moral imperative to enable emerging economies to evaluate the use of modern biotechnology to combat hunger and poverty; and

Whereas, a September 1999 Gallup Poll found that Americans most familiar with modern biotechnology are also the most supportive of its use to improve our food supply and that more than three-fourths of Americans are confident in the federal government to ensure the safety of the nation's food supply; and

Whereas, federal law requires that all foods and food ingredients, whether produced by traditional or modern biotechnology, must be extensively reviewed for safety by the U.S. Food and Drug Administration and meet the provisions of the Federal Food, Drug, and Cosmetics Act before they can be sold to consumers; now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, the Senate concurring, supports the responsible use of modern biotechnology to benefit the people of Hawaii, the nation, and the world, and the global environment through high-yield agricultural production requiring the reduced use of farm inputs and acreage; and be it further

Resolved, that a certified copy of this Concurrent Resolution be transmitted to the President of the United States, the Vice President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii U.S. Congressional Delegation, the Secretary of the United States Department of Agriculture, the Director of the United States Food and Drug Administration, the Administrator of the United States Environmental Protection Agency, the Governor of the State of Hawaii, the Chairperson of the University of Hawaii College of Tropical Agriculture and Human Resources, the American Farm Bureau Federation, the American Crop Protection Association, the Western Crop Protection Association, the Responsible Industry for a Sound Environment, the Grocery Manufacturers of America, the Hawaii Food Industry Association, the Hawaii Food Manufacturers Association, the Hawaii Farm Bureau Federation, the Hawaii Crop Improvement Association, and the Hawaii Agriculture Research Center.

POM-527. A concurrent resolution adopted by the Legislature of the State of Kansas rel-

ative to amending the Constitution to restrict the ability of the federal judiciary to mandate any state or subdivision thereof to levy or increase taxes; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 5059

Whereas, Unfunded mandates by the United States Congress and the executive branch of the federal government increasingly strain already tight state government budgets if the states are to comply; and

Whereas, To further compound this assault on state revenues, federal district courts, with the blessing of the United States Supreme Court, continue to order states to levy or increase taxes to supplement their budgets to comply with federal mandates; and

Whereas, The court's actions are an intrusion into a legitimate legislative debate over state spending priorities and not a response to a constitutional directive; and

Whereas, The Constitution of the United States of America does not allow, nor do the states need, judicial intervention requiring tax levies or increases as solutions to potentially serious problems; and

Whereas, This usurpation of legislative authority begins a process that over time could threaten the fundamental concept of separation of powers that is precious to the preservation of the form of our government embodied by the Constitution of the United States of America; and

Whereas, Fifteen states, including Alabama, Alaska, Arizona, Colorado, Delaware, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New York, Oklahoma, South Dakota, Tennessee and Utah, have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America that reads 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 political subdivision thereof, or any official of such state or political subdivision, to levy or increase taxes."; Now, therefore, be it

Resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Kansas Legislature respectfully requests and petitions the Congress of the United States to propose submission to the states for their ratification an amendment to the Constitution of the United States of America to restrict the ability of the United States Supreme Court or any inferior court of the United States to mandate any state or political subdivision of the state to levy or increase taxes; and be it further

Resolved, That the Secretary of State is hereby directed to send enrolled copies of this section to the President of the United States; the President pro tempore of the United States Senate; the Speaker of the United States House of Representatives; each member of the Kansas Congressional Delegation; each member of the United States Supreme Court and the United States Court of Appeals for the 10th Circuit and all federal district court judges for the district of Kansas; and each member of the Kansas Supreme Court and the Kansas Court of Appeals and all Kansas district court judges.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted:

By Mr. WARNER for the Committee on Armed Services.

General John A. Gordon, United States Air Force, to be Under Secretary for Nuclear Security, Department of Energy.

(The above nomination was reported with the recommendation that con-

firmation be subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officer for appointment in the United States Army as Dean of the Academic Board, United States Military Academy, and for appointment to the grade indicated under title 10, U.S.C., section 4335:

To be brigadier general

Col. Daniel J. Kaufman, 3704

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Robert J. Natter, 0422

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. MURKOWSKI for the Committee on Energy and Natural Resources.

Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Science, Department of Energy.

(The above nomination was reported with the recommendation that she be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. KERREY:

S. 2616. A bill for the relief of Luis A. Gonzalez and Virginia Aguilla Gonzalez; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. ROBERTS, Mr. DORGAN, Mrs. LINCOLN, and Mr. JEFFORDS):

S. 2617. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 2618. A bill to direct the Secretary of the Interior to sell certain land to the town of Kingston, Nevada, for use as an emergency medical air evacuation site and for other public uses; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. ROBB, and Mr. KENNEDY):

S. 2619. A bill to provide for drug-free prisons; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. BRYAN):

S. 2620. A bill to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building"; to the Committee on Governmental Affairs.

By Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. L. CHAFFEE, Mr. HARKIN, Mr. KOHL, Mrs. BOXER, Mr. DURBIN, Mr. WYDEN, and Mr. KENNEDY):

S. 2621. A bill to continue the current prohibition of military cooperation with the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions are being met; to the Committee on Foreign Relations.

By Mr. ROBERTS (for himself and Ms. SNOWE):