

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on July 20, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2216. An act making supplemental appropriations for the fiscal year ending September 30, 2001.

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-139. A resolution adopted by the National Black Chamber of Commerce, Inc. relative to energy; to the Committee on Energy and Natural Resources.

POM-140. A resolution adopted by the City Council of Berea, Ohio relative to the Domestic Steel Industry; to the Committee on Finance.

POM-141. A petition presented by the Council on Administrative Rights entitled "Reaffirm America"; to the Committee on Finance.

POM-142. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 13

Whereas, since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has helped millions of children with special needs to receive a quality education and to develop to their full capacities; and

Whereas, the IDEA has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, the IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the federal government enacted the Individuals with Disabilities Education act, it promised to fund up to 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 14 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring;

That the New Hampshire general court urges the President and the Congress, prior to spending any surplus in the federal budget, to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as prom-

ised under the Individuals with Disabilities Education Act to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the house clerk 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 the New Hampshire congressional delegation.

POM-143. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to authorizing greater state regulation of gas pipelines carrying other hazardous substances; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION 12

Whereas, ensuring the safety of citizens residing near pipelines carrying hazardous substances and protecting the surrounding environment from the deleterious effects of pipeline spills are vital state and local responsibilities, yet the federal government is responsible for the oversight of interstate pipelines; and

Whereas, several significant pipeline spills have occurred in other parts of the nation in recent years, including a major petroleum spill in Bellingham, Washington, resulting in a fire which killed 3 people and destroyed much of a city park; and

Whereas, Washington governor Gary Locke thereafter formed a study team of local and state fuel accident response agencies, which in the course of numerous meetings, briefings, and public hearings learned that current federal oversight of pipeline safety is inadequate in many respects; and

Whereas, the state of Washington is providing an example of how oversight of pipeline safety can be effectively accomplished at the state level by developing a strong, coordinated program of state and local oversight of pipeline safety that will be well integrated with concurrent federal oversight; and

Whereas, such state programs cannot be fully implemented without action by the Congress and the President to modify existing statutes and provide necessary administrative and budgetary support; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring;

That Congress enact legislation amending the federal Pipeline Safety Act (49 U.S.C. Section 60101, et seq.) to allow states to adopt and enforce standards stricter than federal standards where to do so would not interfere with interstate commerce; and

That such act be further amended to allow states at their option to seek authority to administer and enforce federal pipeline safety standards; and

That as an interim measure pending congressional consideration of such legislative enactments the President direct the federal Office of Pipeline Safety to grant authority to states that qualify to enforce federal standards; and

That Congress increase funding to assist states in responding to pipeline accident emergencies, to implement pipeline safety measures, to support states with delegated authority to enforce federal standards, and to the Office of Pipeline Safety for additional research and development of technologies for testing, leak detection, and oversight operations; and

That the clerk of the New Hampshire house of representatives forward copies of

this resolution to the President of the United States, the Secretary of the United States Department of Transportation, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the New Hampshire congressional delegation.

POM-144. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to allowing military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION 1

Whereas, American servicemen and women have dedicated their careers to protecting the rights we all enjoy; and

Whereas, military personnel endure hardships, the threat of death and disability, and long separation from their families in service to their country; and

Whereas, career military personnel accrue retirement pay based on longevity of service and rank at retirement; and

Whereas, service-connected disability pay serves a different purpose from longevity retirement pay and is intended to compensate military personnel for pain, suffering, disfigurement, and impaired earning ability to due to disability; and

Whereas, under a 19th century law that is still in effect, military retirees are denied concurrent receipt of full retirement pay and service-connected disability compensation benefits. They must choose receipt of one or the other or waive an amount of retirement pay equal to the amount of disability compensation; and

Whereas, no other federal employees face a reduction in civil service retirement benefits if they also receive compensation for a service-connected disability; and

Whereas, federal legislation has been introduced to amend Title 38 of the U.S. Code to treat career military retirees like other federal retirees and permit them to receive service-connected disability compensation without requiring a concurrent deduction from retirement pay; and

Whereas, it is fundamentally unfair to require military veterans to essentially fund their own disability compensation by offsetting it against retirement benefits earned in service to their country; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring;

That the general court of New Hampshire hereby urges the United States Congress to enact legislation to allow disabled, military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the chairpersons of committees of the United States Congress having jurisdiction over Veterans Affairs, the Secretary of Defense; and each member of the New Hampshire congressional delegation.

POM-145. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to supporting the electoral college; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 10

Whereas, the President of the United States has been elected by the electoral college since the adoption of the Constitution; and

Whereas, the electoral college promotes moderation in the political process by encouraging the consideration of varying perspectives and discouraging the exclusion of minorities of all types, including geographic and philosophical minorities; and

Whereas, the electoral college preserves and recognizes the importance of states as states; and

Whereas, the electoral college promotes the separation of powers, without which a federal system of government cannot successfully function; and

Whereas, the constitutional concepts of the electoral college, the bicameral legislature, and the nonelective judiciary serve to articulate the superiority of fundamental rights over majoritarianism; and

Whereas, the abolition of the electoral college necessarily entails the abandonment of a constitutionally-enshrined and historically-tested system in favor of an uncertain alternative requiring federal control of the electoral process; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the preservation of the electoral college is in the best interests of this nation and all of its citizens; and

That any attempt to amend the Constitution to abolish the electoral college should be defeated; and

That the clerk of the New Hampshire house of representatives forward copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and to the members of the New Hampshire congressional delegation.

POM-146. A joint resolution adopted by the Legislature of the State of New Hampshire relative to expanding eligibility for membership in the American Legion; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION 1

Whereas, membership in the American Legion is restricted to veterans who served during certain periods set by Congress of wartime service; and

Whereas, membership in the American Legion is declining; and

Whereas, many otherwise qualified veterans are prevented from joining the American Legion due to the restrictions on dates of service; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court of the state of New Hampshire hereby urges Congress to expand membership in the American Legion to include all veterans with records of honorable, active duty service in the United States Armed Forces, regardless of dates of service; and

That copies of this resolution shall be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the New Hampshire congressional delegation.

POM-147. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to insurance coverage for loss, damage, or diminution in value to property caused by drought; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 140

Whereas, drought is a complex physical and social phenomenon of widespread significance; and

Whereas, drought damage is unforeseeable and not immediately identifiable; and

Whereas, the ongoing drought in some parts of the country has an adverse impact on the economic growth; and

Whereas, many insurers will not recognize damages to property caused by varied climatic conditions, lack of precipitation for extended periods of time being just one example; and

Whereas, many homeowner insurers do not recognize structural damage caused by foundation shifts due to adjustments in subsurface water levels as covered under their respective policy provisions or within the policy definition as an "Act of God"; and

Whereas, millions of homeowners are forced to bear the financial burden to repair homes for damage caused by natural circumstances beyond their control but for which homeowner insurance policies should protect against; Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to study the feasibility of insurance coverage for loss, damage, or diminution in value to property caused by drought; Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-148. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the pending charter boat moratorium in the Gulf of Mexico; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 50

Whereas, the charter fishing industry in Louisiana is in its infancy but has begun a period of healthy growth which can only be beneficial to the state's overall economic development and the capture of tourist dollars; and

Whereas, the Gulf States Fishery Management Council voted this spring to send to the National Marine Fisheries Service a recommendation for a three-year moratorium on the issuance of new charter vessel permits for reef and coastal migratory pelagic fishing; and

Whereas, the genesis of the recommended moratorium was concern about the area of the Gulf of Mexico near Florida where the charter industry is much more mature, much more widespread, and has created a situation where there are too many boats with too many fishermen competing for too few fish; and

Whereas, the charter industry in Louisiana exists in a significantly different environment, one where there is not an overabundance of permitted charter boat captains and where there is an abundance of habitat and fish which should result in a productive charter industry; and

Whereas, a productive and expanding charter industry would be of great benefit to the economic health of the state, a benefit that would be denied the state of Louisiana if the moratorium were adopted and new charter captains would not be eligible for permitting. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize

the Louisiana Congressional delegation and the United States Congress to express its desire to the National Marine Fisheries Service that the pending charter boat moratorium in the Gulf of Mexico not be implemented. Be it further

Resolved, That if a moratorium is considered by the National Marine Fisheries Service, that the moratorium be limited to the eastern Gulf of Mexico with an authorization for continued expansion of the industry in the western Gulf of Mexico where there are no issues of overcrowding. Be it further

Resolved, That a copy of this Resolution be forwarded to each member of the Louisiana Congressional delegation and to the presiding officers of the United States House of Representatives and the United States Senate.

POM-149. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Outer Continental Shelf oil and gas lease sales in the Gulf of Mexico; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 76

Whereas, it has been almost four years since the environmental impact statement was prepared for the Oil and Gas Lease Sales 169, 172, 175, 178, and 182 in the Gulf of Mexico; and

Whereas, as a result of public testimony in response to that environmental impact statement, there was recognition of the significant impact which will be felt relative to the infrastructure in offshore activity focal points such as Port Fourchon and LA Highway 1 through the parish of Lafourche; and

Whereas, at the present time, 40 of the 45 deep water rigs working in the Gulf of Mexico are being serviced through Port Fourchon, as are many of the rigs located on the Outer Continental Shelf, with the accompanying increase in land traffic and inland waterway traffic, all primarily through the parish of Lafourche; and

Whereas, efforts have so far failed to develop plans to mitigate these present and well-documented impacts while efforts to increase the number of leases in the Gulf of Mexico continue with no apparent effort to provide mitigation for current or increased impacts. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize the Congress of the United States to direct the Minerals Management Service of the United States Department of the Interior to develop a plan for impact mitigation relative to the Outer Continental Shelf oil and gas lease sales in the Gulf of Mexico. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, to each member of the Louisiana Congressional delegation, and to the director of the Minerals Management Service.

POM-150. A resolution adopted by the Senate of the State of Louisiana relative to repealing mandatory minimum sentences; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 75

Whereas, the rising cost of incarceration at all levels is placing an increased fiscal burden on state and local governments; and

Whereas, studies continue to indicate that incarceration is not always the answer or the cure-all for crime and its consequences in the nation; and

Whereas, alternatives to incarceration, such as pre-trial intervention programs, drug courts, and restorative justice, are proving to be more effective in rehabilitation of offenders as well as in lowering incidents of recidivism; and

Whereas, only through rehabilitation, educational opportunities, and re-entry and acceptance into the community can an offender make the transition from societal dropout to community contributor; and

Whereas, each offense and each offender's potential must be judged individually by the court system to determine, within statutory guidelines, the consequence which will be most beneficial to society; and

Whereas, realizing the expense and the limitations placed on sentencing options by minimum mandatory sentencing, the state of Louisiana has removed minimum mandatory sentencing for non-violent crimes in the state through passage of Senate Bill 239 during the 2001 Regular Session; and

Whereas, the repeal of mandatory minimum sentencing on a national level is necessary to fully address the issue. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to repeal mandatory minimum sentences. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-151. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the problem of sexual trafficking; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 29

Whereas, recent headlines have called greater attention to the widespread and growing problem of sexual trafficking in the United States and worldwide; and

Whereas, the selling of young women into sexual slavery is one of the fastest growing criminal enterprises in our global economy with an estimated 45,000 to 50,000 women and children trafficked annually to the United States for "the sex industry and for labor," according to a report by the Center for the Study of Intelligence; and

Whereas, victims have traditionally come from Southeast Asia and Latin America, the trade has been expanded so that victims are increasingly coming from Central and Eastern Europe; and

Whereas, traffickers lure desperately poor young women and their families with false promises of money, jobs, and better opportunities abroad and once in the United States, women find themselves trapped into forced prostitution without money or legal help to escape; and

Whereas, women also are trafficked for forced domestic and sweatshop labor, which often involves sexual violence and exploitation as well; and

Whereas, trafficking victims suffer extreme physical and mental abuse, including rape, imprisonment, forced abortions, and physical brutality, and they also face an enormous risk of HIV infection from male "customers" who seek younger and younger girls for sexual exploitation; and

Whereas, as in many countries, existing United States laws are inadequate to punish traffickers or to protect and assist the women and girls who are their prey. Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to address the problem of sexual trafficking and to support the bipartisan federal initiatives to prosecute traffickers and assist victimized women and girls. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001." (Rept. No. 107-44).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002" (Rept. No. 107-45).

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1218. An original bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006.

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. SARBANES:

S. 1218. An original bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. GRASSLEY:

S. 1219. A bill to amend the Internal Revenue Code of 1986 to include swine and bovine waste nutrients as a renewable energy resource for the renewable electricity production credit, and for other purposes; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. SMITH of Oregon, Mr. SCHUMER, Mr. SPECTER, and Mr. DURBIN):

S. 1220. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 1221. A bill to amend title 38, United States Code, to establish an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BURNS (for himself, Mr. EDWARDS, Mr. FEINGOLD, Mr. JOHNSON,

Mrs. LINCOLN, Mrs. CLINTON, Mr. KENNEDY, Mr. HOLLINGS, Mr. BAYH, Ms. MIKULSKI, Mrs. BOXER, Mr. TORRICELLI, Mr. DURBIN, Mr. CORZINE, Mr. SARBANES, Mr. REID, Ms. LANDRIEU, Mr. SCHUMER, Mr. DORGAN, Mrs. FEINSTEIN, Mr. CLELAND, Mr. KERRY, Mr. INOUE, Mr. MURKOWSKI, Mr. COCHRAN, Mr. SPECTER, Mr. CRAIG, Mr. THURMOND, Mr. CRAPO, Mr. HELMS, Mr. HATCH, Mr. WARNER, Mr. BROWNBACK, Mr. SHELBY, Mr. SESSIONS, Mr. INHOFE, Mr. ALLEN, Mr. DAYTON, Ms. STABENOW, Mr. REED, Mr. BREAUX, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. GRASSLEY, Mr. ENSIGN, Ms. COLLINS, Mr. STEVENS, Mrs. HUTCHISON, Mr. DEWINE, Ms. SNOWE, Mr. SANTORUM, Mr. HAGEL, and Mr. ROBERTS):

S. Res. 138. Designating the month of September as "National Prostrate Cancer Awareness Month" to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. INOUE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 159

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mrs. CLINTON), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 159, a bill to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, and for other purposes.

S. 349

At the request of Mr. HUTCHINSON, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 349, a bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes.

S. 357

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 357, a bill to amend the Social Security Act to preserve and improve the medicare program.

S. 358

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 358, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and for other purposes.

S. 538

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr.