

EC-1943. A communication from the Acting Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000 and the Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC-1944. A communication from the Executive Director for the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on May 17, 2001; to the Committee on Governmental Affairs.

EC-1945. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Medical Reporting Regulations; Technical Amendment" (Doc. No. 98N-0170) received on May 17, 2001; to the Committee on Health, Education, Labor, and Pensions.

#### 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-56. A joint memorial adopted by the Senate of the Legislature of the State of Washington relative to the Leavenworth National Fish Hatchery; to the Committee on Environment and Public Works.

##### SENATE JOINT MEMORIAL 8006

Whereas, The Leavenworth National Fish Hatchery located on the Icicle River, a tributary of the Wenatchee River, and operated by the United States Fish and Wildlife Service, performs the admirable function of producing spring chinook salmon, providing benefits to the entire Columbia River region; and

Whereas, The Icicle River is a watershed that is home to three fish species, chinook salmon, steelhead trout, and bull trout, that are currently listed as threatened or endangered under the federal endangered species act; and

Whereas, Watershed restoration efforts are being undertaken on a large scale by the State of Washington, treaty Indian tribes, public utility districts, county, local, and city governments, and local volunteer groups, to assist the recovery of Icicle River and Wenatchee River salmon and trout; and

Whereas, The Leavenworth National Fish Hatchery currently utilizes a water withdrawal design that does not provide proper protection for salmon and trout, some of which are naturally spawned endangered steelhead trout, endangered spring run chinook salmon, or threatened bull trout; and

Whereas, Operation of the Leavenworth National Fish Hatchery could be modified with construction of fish passage devices that would result in no jeopardy to listed salmon and trout;

Now, therefore, Your Memorialists respectfully pray that the United States Fish and Wildlife Service will make the proper modifications, in a timely manner, to the water withdrawal structure at the Leavenworth National Fish Hatchery so that its operation will be consistent with the federal endangered species act.

*Be it resolved*, That the United States Fish and Wildlife Service apply for sufficient funding to construct the fish passage modifications necessary at the Leavenworth National Fish Hatchery, and that Congress

shall see fit to appropriate the necessary funds;

*Be it further resolved*, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the United States Fish and Wildlife Service, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-57. A joint resolution adopted by the Legislature of the State of Montana relative to the reduction of Forest Fuels; to the Committee on Energy and Natural Resources.

#### JOINT RESOLUTION

Whereas, the United States Forest Service was first organized to protect the national forests from fire and to provide a sustainable supply of timber, water, goods, and services for the people of the United States; and

Whereas, citizens of Montana and communities throughout the western United States still depend on the prudent stewardship, the sustained utilization of resources, and the steady production of goods and services from the multiple use management of public lands in those western states; and

Whereas, the April 1999 U.S. General Accounting Office report, "Western National Forests, a Cohesive Strategy is Needed to Address Catastrophic Wildfire Threats" states, "the most extensive and serious problem related to the health of national forests in the interior West is the overaccumulation of vegetation, which has caused an increasing number of large, intense, uncontrollable, and catastrophically destructive wildfires"; and

Whereas, the April 2000 U.S. Forest Service report, "Protecting People and Sustaining Resources in Fire-Adapted Ecosystems: A Cohesive Strategy" in response to the General Accounting Office report, confirmed the conclusion stated above and further warns "Without increased restoration treatments in these ecosystems wildland fire suppression costs, natural resource losses, private property losses, and environmental damage are certain to escalate as fuels continue to accumulate and more acres become high-risk," and the report also specifies that, at a low intensity, fire is ecologically beneficial and has positive effects on biodiversity, soil productivity, and water quality; and

Whereas, the U.S. Forest Service further acknowledges that 39 million acres of national forest are at significant risk of catastrophic wildfire and an additional 26 million acres will be at similar risk due to increases in the mortality of trees and brush caused by insects and disease; and

Whereas, catastrophic wildfires, such as those in California in 1993, Florida in 1998, and Montana and Idaho in 2000, are recognized as among the defining natural disasters of the past decade; and

Whereas, the conflagrations that engulfed hundreds of thousands of acres in Montana during 2000 caused millions of dollars of damage to the property of residents; and

Whereas, catastrophic wildfires not only cause damage to the forests and other lands, but place the lives of firefighters at risk and pose threats to human health, personal property, sustainable ecosystems, air quality, and water quality; and

Whereas, the escaped Cerro Grande Prescribed Fire in May, 2000, which consumed 48,000 acres and destroyed 400 homes with losses exceeding \$1 billion in Los Alamos, New Mexico, and the escaped Lowden Prescribed Fire in 1999 that destroyed 23 homes in Lewiston, California, highlight the unac-

ceptable risks of using prescribed burning if prescribed burning, as reported, was the sole forest management practice of the subject federal land management agencies; and

Whereas, high-risk forest fuel has accumulated in combination with reduced fire response capability by federal agencies during the 1990s, resulting in catastrophic wildfires becoming more difficult and expensive to extinguish with a disproportionate burden being placed on state and local resources, the costs to fight these fires has increased by 150% between 1986 and 1994, and the costs of maintaining a readiness force has increased by 70% between 1992 and 1997; and

Whereas, current planning efforts of the U.S. Forest Service, such as the Sierra Nevada Framework, the Interior Columbia Basin Ecosystem Management Project, the Roadless Initiative, and the federal monument proclamations rely primarily on the extensive use of prescribed fire, which will further exacerbate the risk of catastrophic wildfires on federal lands throughout the West: Now, therefore, be it

*Resolved by the Senate and the House of Representatives of the State of Montana:*

(1) That in the interest of protecting the integrity and posterity of Montana's forests, wild lands, wildlife habitat, watersheds, air quality, human health and safety, and private property, the U.S. Forest Service and other federal land management agencies are urged to immediately implement a cohesive strategy to reduce the overabundance of forest fuels that place these resources at high risk of catastrophic wildfire.

(2) That the agencies are urged to utilize an appropriate mix of fire suppression activities and forest management methodologies, including selective thinning, selective harvesting, grazing, the removal of excessive ground fuels, small-scale prescribed burns, and the increased use of private, local, and state contracts for prefire treatments on federal forest lands.

(3) That the Legislature urges that more effective fire suppression in federal forest lands be pursued through increased funding of mutual aid agreements with state and local public firefighting agencies.

(4) That in the interest of forest protection and rural community safety, the federal Department of Agriculture and the Department of Interior are urged to immediately draft, for public review and adoption, a national prescribed fire strategy for public lands that creates a process for the evaluation of worst case scenarios that present a risk of escaped prescribed fires and identifies alternatives that will achieve the land management objectives while minimizing the risk and use of prescribed fire, and that this strategy be incorporated into any regulatory land use planning program that proposes the use of prescribed fire as a management practice. Be it further

*Resolved*, That the Secretary of State send copies of this resolution to President George W. Bush, Vice President Richard Cheney, Department of Interior Secretary Gale Norton, Department of Agriculture Secretary Ann Veneman, the Governors of Montana, Idaho, Washington, Oregon, California, Nevada, Utah, Wyoming, South Dakota, Colorado, Arizona, and New Mexico, Montana's Congressional Delegation, the Chief of the U.S. Forest Service, the Director of the U.S. Park Service, and the Director of the Bureau of Land Management.

POM-58. A joint resolution adopted by the Legislature of the State of Montana relative to electricity prices in the West; to the Committee on Energy and Natural Resources.

## JOINT RESOLUTION

Whereas, wholesale prices of electricity have soared to unprecedented levels, reaching as high as 30 times the prices of a year ago; and

Whereas, many of the state's largest businesses purchase power at rates tied to wholesale price indices, and a growing number of these businesses have been compelled to curtail production or cease operations altogether and lay off hundreds of workers because of high energy costs; and

Whereas, wholesale price increases will lead to sharp increases in retail electricity prices for business, agricultural, and residential consumers in Montana in the near future, with potentially devastating economic consequences; and

Whereas, high wholesale energy prices threaten the solvency of utilities in Montana and throughout the Northwest region; and

Whereas, taxpayer-supported public entities such as the Montana university system, other public schools, and local governments face unanticipated cost increases for energy and may have to scale back their operations to meet these costs; and

Whereas, the Federal Energy Regulatory Commission exercises jurisdiction over wholesale power generation sold in interstate commerce; and

Whereas, actions taken to date by the federal Department of Energy and the Federal Energy Regulatory Commission to address problems in the wholesale market have not resulted in any meaningful reduction in wholesale power prices; and

Whereas, in December 2000 and in January, 2001 the United States Secretary of Energy issued orders requiring certain energy entities to generate, deliver, interchange, and transmit electrical energy when requested by the California independent system operator, and these orders have been extended on repeated additional occasions; and

Whereas, several of the companies that received the energy from these entities are in an unstable financial condition, and there are serious questions about their ability to meet their obligations to pay for this electricity; and

Whereas, without strong and immediate action by the federal government to lower wholesale power prices, Montana and other western states could suffer long-term and irreversible economic harm: Now, therefore, be it

*Resolved by the Senate and the House of Representatives of the State of Montana:* That the President of the United States, the U.S. Department of Energy, and the Federal Energy Regulatory Commission take strong, short-term measures to reduce wholesale prices throughout the Western region; be it further

*Resolved,* That the new administration act immediately to develop and implement a long-term strategy to reform the wholesale energy market to avoid continued price spikes that threaten to undermine the prosperity of the western United States; be it further

*Resolved,* That the new administration commit to providing assistance to low-income citizens who are most at risk from volatile energy prices; be it further

*Resolved,* That the federal government commit to allowing the western states to work toward fulfilling the region's energy supply needs through existing relationships and to refraining from any additional orders directing suppliers to provide electricity to California; be it further

*Resolved,* That copies of this resolution be immediately transmitted to the Honorable

George W. Bush, President of the United States, the Honorable Spencer Abraham, Secretary of Energy, the members of the Federal Energy Regulatory Commission, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the state of Montana.

POM-59. A joint resolution adopted by the Legislature of the State of Washington relative to the trade of upland aquacultural products in relations with Canada; to the Committee on Finance.

## SENATE JOINT MEMORIAL 8016

Whereas, The upland aquaculture industry in Washington state produce high-quality, pathogen-free, nonanadromous upland products for sale to public agencies and private companies throughout the world; and

Whereas, Washington state's upland aquaculture industry employs hundreds of people in well-paying, technical positions located in many rural communities throughout the state, generating forty million dollars worth of products; and

Whereas, Canadian customers have expressed the desire to purchase high-quality aquacultural products from Washington state producers; and

Whereas, Many customers in the United States currently purchase aquacultural products from Canada; and

Whereas, Increased freedom to engage in the commercial trade of upland aquacultural products between the United States and Canada will only help our two nations grow more prosperous;

Now, therefore, Your Memorialists respectfully pray that the government of the United States emphasize the importance of the free and fair trade of upland aquacultural products in its relations with the government of Canada.

*Be it resolved,* That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-60. A resolution adopted by the Senate of the Legislature of the State of Pennsylvania relative to veterans benefits; to the Committee on Veterans' Affairs.

## SENATE RESOLUTION

Whereas, All Americans owe a great debt of gratitude to our military veterans for their brave and unselfish service to protect and defend the United States and all of its citizens; and

Whereas, Many World War II and Korean War veterans are retired and some have serious health problems that require prompt attention; and

Whereas, It is estimated that 16% of the 700,000 veterans from the Persian Gulf War are receiving disability compensation and/or treatment which further compounds the pressure on an already strained health service delivery system; and

Whereas, Some of these veterans are waiting seven to ten months to become eligible for benefits to which they are entitled; and

Whereas, Recent news accounts indicate that over the last several years the waiting list to see a physician for initial approval of benefits at the Lebanon Veterans Administration Medical Center alone has grown to approximately 4,600 veterans; and

Whereas, It is believed that the same or similar situation exists at our other veterans

administration medical centers throughout this commonwealth and our nation; therefore be it

*Resolved,* That the Senate of the Commonwealth of Pennsylvania memorialize the President and the Congress of the United States to take steps to reduce the waiting lists that have developed over the last several years and end the unfortunate delay of benefits that have been earned by the deserving veterans of our United States military services; and be it further

*Resolved,* That copies 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.

POM-61. A concurrent resolution adopted by the House of the Legislature of the State of Hawaii relative to Americans interned during World War II; to the Committee on the Judiciary.

## HOUSE CONCURRENT RESOLUTION 50

Whereas, during World War II, approximately 120,000 Japanese Americans and permanent resident aliens of Japanese ancestry were interned, relocated, or evacuated from their homes in the United States because of their race; and

Whereas, nearly fifty years later the country apologized for this grave injustice, and passed the Civil Liberties Act of 1988, authorizing payments of \$20,000 to each such person who suffered as a result; and

Whereas, the Civil Liberties Act does not cover or even address the Japanese of Latin American ancestry who were interned in the United States during World War II; and

Whereas, during World War II, the United States put pressure on thirteen nations in Central and South America to deport to the United States and intern their citizens and legal residents of Japanese of Latin American ancestry; and

Whereas, 2,264 Japanese Latin Americans were so deported and interned: nearly nine hundred were involuntarily exchanged for prisoners of war and of the one thousand four hundred who remained in United States concentration camps, more than one thousand were deported to Japan after the war and the majority of the remainder forced to work for subminimum wages on farms, twelve hours a day, seven days a week; and

Whereas, a small token apology was made in 1998 resulting from settlement of the case of *Mochizuki v. United States*, in which the United States offered an apology and a token settlement of \$5000, to be paid from the 1988 Civil Liberties Act fund as long as the moneys were available; and

Whereas, the monetary reparation is symbolic and the discrepancy between the reparations given to the Japanese Americans and the Japanese Latin Americans is insulting, painful, and denies the very real fact that these people were ripped from their homes, deported to another country, and classified as "illegal enemy aliens" after the war; and

Whereas, section 23 of the 1999 *Mochizuki v. United States* agreement, that gave nominal reparations to a limited number of Japanese Latin Americans provides: "Nothing in this agreement shall be deemed to override any subsequent legislative enactment designed to compensate class members"; and

Whereas, the approximately one thousand five hundred surviving interned Japanese Latin Americans are rapidly passing away and the equalization of reparations should be done while they can appreciate its symbolism; and

Whereas, justice dictates that the suffering of the interned Japanese of Latin American ancestry be recognized and that this wrong be righted; now, therefore, be it

*Resolved by the House of Representatives of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2001, the Senate concurring,* That Hawaii's congressional delegation is urged to support and co-sponsor legislation in Congress to equalize reparations for Japanese of Latin American ancestry interned during World War II; and be it further

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

POM-62. A resolution adopted by the House of the Legislature of the State of Hawaii relative to Hawaii Volcanoes National Park; to the Committee on Energy and Natural Resources.

#### HOUSE RESOLUTION 56

Whereas, the Volcanoes National Park on the Big Island consisting of 217,000 acres is one of only two national parks in this State; and

Whereas, the Volcanoes National Park attracts about 1,500,000 visitors each year who enjoy the natural beauty of the lava fields, native forests, and ocean cliffs; and

Whereas, a large parcel of land lying to the south and west of the Volcanoes National Park known as Kahuku Ranch consisting of 117,000 acres has come up for sale; and

Whereas, the Kahuku Ranch is a piece of real estate that contains outstanding geological, biological, and cultural, scenic, and recreational value; and

Whereas, the National Park Service since 1945 has recognized that the property contained nationally significant resources and in fact, in its 1975 Master Plan, the National Park service identified the property as a "potential addition to improve the geological, ecological, and scenic integrity of Hawaii Volcanoes National Park"; and

Whereas, this sale offers an opportunity rarely imagined because it gives the National Park Service an excellent chance to expand and protect native plants and archaeological sites from destruction; and

Whereas, this opportunity can benefit current and future generations of residents and tourists, because expansion of the Volcanoes National Park will preserve more open space, add to the natural environment, protect affected native species, and preserve cultural and historical sites; and

Whereas, the Volcanoes National Park has been soliciting comments from the public regarding possible purchase of Kahuku Ranch and addressing the concerns of access for hunters, cultural practices, educational purposes, jobs, and small business opportunities; now, therefore, be it

*Resolved by the House of Representatives of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2001,* That this body supports the acquisition of Kahuku Ranch by the United States National Park Service for expansion of the Hawaii Volcanoes National Park; and be it further

*Resolved,* That certified copies of this Resolution be transmitted to the Superintendent, Hawaii Volcanoes National Park; the Speaker of the United States House of Representatives; the President of the United States Senate; and to the meeting of Hawaii's congressional delegation.

POM-63. A resolution adopted by the City Council of the City of Westminster, Cali-

fornia relative to the Republic of Vietnam; to the Committee on Foreign Relations.

POM-64. A resolution adopted by the City Council of Strongsville, Ohio relative to the Domestic Steel Industry; to the Committee on Finance.

POM-65. A concurrent resolution adopted by the House of the Legislature of the State of Ohio relative to tax relief; to the Committee on Finance.

#### HOUSE RESOLUTION 35

Whereas, Federal taxes are the highest they have ever been during peacetime; and

Whereas, All taxpayers should be allowed to keep more of their own money; and

Whereas, One way to encourage economic growth is to cut marginal tax rates across all tax brackets; and

Whereas, Under current tax law, low-income workers often pay the highest marginal rates; and

Whereas, President Bush's tax relief plan will contribute to raising the standard of living for all Americans; and

Whereas, President Bush's tax relief plan will increase access to the middle class for hard working families, treat all middle class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

*Resolved,* That the House of Representatives of the State of Ohio requests the Congressional delegation of the State of Ohio to support and work to pass a tax relief plan and, in doing so, give due consideration of the plan offered by President Bush; and be it further

*Resolved,* That the House of Representatives, in considering a tax relief plan, place a priority on fair distribution of relief to all Americans, including the lowest wage earners, consider other avenues to relief, such as a reduction in payroll taxes, consider the implications of a plan on programs aiding children, veterans and the poor, and consider a trigger mechanism to adjust the reduction if revenue estimates prove inaccurate.

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

POM-66. A resolution adopted by the Senate of the Legislature of the State of Ohio relative to the New Markets for State-Inspected Meat Act; to the Committee on Agriculture, Nutrition, and Forestry.

#### SENATE RESOLUTION 126

Be it resolved by the Senate of the State of Ohio:

Whereas, In 1967, the Wholesome Meat Inspection Act and the Wholesome Poultry Products Act authorized any state with an inspection program certified by the United States Department of Agriculture as at least equal to the federal program to inspect meat and poultry products for distribution within the state's borders. Currently, the United States Department of Agriculture primarily regulates large meat-packing operations, and state inspection programs have developed expertise in addressing the unique needs of small meat-packing operations; and

Whereas, In spite of the fact that state programs must be at least equal to the federal program, a ban exists on the interstate shipment of state-inspected meat. However, meat that is inspected in foreign countries is

not prohibited from being sold in this country; and

Whereas, The ban on the interstate shipment of state-inspected meat has a chilling effect on the growth and prosperity of small meat packers in this country. Not only do the small operations face competition from large domestic meat packers, they are forced to sit idly by while foreign operations have access to purchasers who are off-limits to the small packers; and

Whereas, The New Markets for State-Inspected Meat Act of the 106th United States Congress reinforced a single safety standard between the state programs and the United States Department of Agriculture for all meat and poultry inspections and authorized the interstate shipment of state-inspected products. The proposed law thus provided equal participation in the meat industry for all meat packers while ensuring that the health of consumers would not be compromised. However, the Congress adjourned without enacting it; now therefore be it

*Resolved,* That the Senate of the State of Ohio urges the 107th Congress of the United States to reintroduce and pass the New Markets for State-Inspected Meat Act as a means of assisting small meat-packing operations and to restore fairness to the meat industry in this country; and be it

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

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. WARNER for the Committee on Armed Services.

Alfred Rascon, of California, to be Director of Selective Service.

David S.C. Chu, of the District of Columbia, to be Under Secretary of Defense for Personnel and Readiness.

Gordon England, of Texas, to be Secretary of the Navy.

Thomas E. White, of Texas, to be Secretary of the Army.

James G. Roche, of Maryland, to be Secretary of the Air Force.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. WARNER for the Committee on Armed Services.

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Van P. Williams Jr., 0000.

(The above nomination was reported with the recommendation that it be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first