

on May 16, 2001; to the Committee on Environment and Public Works.

EC-1984. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Special Regulations for the Preble's Jumping Mouse (*Zapus hudsonius preblei*)" (RIN1018-AF30) received on May 16, 2001; to the Committee on Environment and Public Works.

EC-1985. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of West Virginia; Control of Emissions from Existing Municipal Solid Waste Landfills" (FRL6983-6) received on May 17, 2001; to the Committee on Environment and Public Works.

EC-1986. 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 "Secondary Direct Food Additives Permitted in Food for Human Consumption; Alpha-Acetolactate Decarboxylase Enzyme Preparation" (Doc. No. 92F-0396) received on May 21, 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-67. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to a comprehensive national energy policy; to the Committee on Energy and Natural Resources.

##### HOUSE CONCURRENT RESOLUTION No. 43

Whereas, the nation needs an effective, comprehensive national energy policy which will have an enduring impact on the supply and demand for energy in a manner that will help sustain the strength of the U.S. economy and improve the quality of life in this nation and around the world; and

Whereas, a national energy policy can help ensure that there are energy supplies sufficient to support economic growth with an eye towards improving the quality of life for people the world over; and

Whereas, a national energy policy should encourage responsible use of energy and responsible development of energy resources and efficiencies in order to meet the nation's expectations for secure energy sources while preserving and protecting the nation's environmental health through performance-based regulations founded on sound science; and

Whereas, a national energy policy should support basic and applied scientific research to improve energy availability, conservation, utilization, and environmental performance and should encompass the development, availability, and use of a multitude of different energy sources and fuels; and

Whereas, a national energy policy should incorporate and encourage the significant advances in technology through the past several years which can improve energy production and delivery practices and should incorporate new discoveries and developments of energy resources, particularly those which will cause minimal environmental impact; and

Whereas, recent undesirable experiences with the inability to obtain sufficient energy in some states in this great nation are a good indication of the drastic consequences of a lack of preparation for the ever-changing and rapidly expanding universe of energy development, production, and consumption; and

Whereas, the oil and gas industry has developed technology which reduces the footprint of oil and gas development to a minimum and the industry mitigates this minimal wetlands impact with offsetting environmental enhancements in accordance with Louisiana's no net loss of wetlands policy; and

Whereas, the oil and gas industry has demonstrated its ability to develop outer continental shelf (OCS) resources in a manner which is environmentally responsible and technologically state of the art, resulting in minimal offshore environmental impact and extraordinary hydrocarbon production in the Gulf of Mexico; and

Whereas, Lease Sale 181 offers an area of the Gulf of Mexico with significant oil and gas potential which can be developed with minimal environmental risk, and it is responsible to include the potential of this sale in any national energy plan; and

Whereas, the Coastal Zone Management Act, reauthorization of which is currently pending in congress, contains certain provisions which have been applied in an unreasonable manner to the detriment of securing OCS energy, and congress should be urged, as a matter of national energy policy, to use the pending legislation to reform such provisions and to reform coastal zone management policies generally; Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the U.S. Congress to adopt a national energy policy which will prepare our nation for the future through a comprehensive plan for the development, production, delivery, conservation, and consumption of all manner of sources of energy, for a future that includes economic growth and development which allow a better quality of life for all people of the world. Be it further

*Resolved*, That this policy should specifically include strong support for Lease Sale 181 and for reform of the Coastal Zone Management Act to reflect the original intent of the Act to encourage multiple-use and energy development in an environmentally responsible way. Be it further

*Resolved*, That a copy of this Resolution be transmitted to each member of the Louisiana congressional delegation and to the presiding officer of each house of the U.S. Congress. Be it further

*Resolved*, That a copy of this Resolution be transmitted to the President and Vice President of the United States.

POM-68. A concurrent resolution adopted by the House of the Legislature of the State of Hawaii relative to Pacific Basin Agricultural Research Center; to the Committee on Agriculture, Nutrition, and Forestry.

##### HOUSE CONCURRENT RESOLUTION No. 87

Whereas, the Legislature in partnership with local citizens, the Department of Agriculture, the University of Hawaii, the United States Department of Agriculture, certain Hawaii and other states' congressional offices, the United States Army, through the Hawaii office of the Small Business Administration, the Rural Economic Transition Assistance—Hawaii Program, and after reviewing selected farming and business research over the last several years concluded that

Hawaii's physical, biotic, cultural, and social environment is capable of serving the country's chocolate food needs by establishing a uniquely aligned full continuum of cacao farming and chocolate industry in Hawaii; and

Whereas, work by the private industry and state and federal governments to date has resulted in the scientific selection and planting of cacao trees of different varieties to match Hawaii's unique multi-climate environment and soil conditions that is conducive to growing high quality varieties of cacao trees all year long; and

Whereas, it is recognized that Hawaii's unique geographic location, climate, and biotic environment qualifies it as the nation's only state that can grow different varieties of cacao all year long; and

Whereas, there are forty seven cacao growing countries worldwide that currently harvest 3,000,000 metric tons of cacao beans annually to supply the world's growing chocolate industry worth \$50,000,000,000 in annual sales; and

Whereas, our nation's current and growing dependency on foreign cacao sources will now be partially relieved by Hawaii's high quality, sub-sector premium commodity priced cacao beans; and

Whereas, the United States is domestically growing a new agricultural product that is an important food for our nation's citizens and a food that incorporates other U.S. farm products, such as sugar, milk nuts, and others, to manufacture chocolate; and

Whereas, the United States Department of Agriculture historically and currently funds foreign cacao farming research, including cacao germplasm centers, pests and disease control work, and flavor testing; and

Whereas, by virtue of this Concurrent Resolution, Hawaii announces its intent to compete for such federal funds to shift certain existing funding and other support to Hawaii; and

Whereas, Hawaii will attract world attention to its cacao farming practices and its chocolate manufacturing work, which is aligned with its growing recognition as a high technology, knowledge-based industry state with a broad range of unique human, capital and other resource capabilities; and

Whereas, cacao farming in Hawaii provides a new domestic farming opportunity for Hawaii-based private industry to establish a full continuum of chocolate production including manufacturing, marketing, selling, and commodity trading of cacao beans and chocolate products for Hawaii, the mainland, and the rest of the world's markets; and

Whereas, the enactment of Act 188, Session Laws of Hawaii 2000 that provided \$10,000,000 to facilitate construction of new manufacturing facilities in Hawaii county significantly helped launch a new Hawaii-based \$22,000,000 (initial capitalization), high technology chocolate manufacturing industry that is fully integrated with multi-island private sector cacao nursery and farming operations located on former sugar cane lands in communities where there is high unemployment and underemployment of farmers and manufacturing workers; and

Whereas, these displaced plantation workers are ideally suited for the continuing employment available through the cacao industry; and

Whereas, Hawaii recognizes the establishment of the new \$55,000,000 investment in the Pacific Basin Agricultural Research Center in Hilo, Hawaii, which significantly advances the work by the Center in the following areas:

(1) Tropical plant genetic resource management;

(2) Tropical plant physiology, disease and production;

(3) Tropical plant pests research;

(4) Post harvest tropical commodities research; and

(5) Tropical aquaculture management; and  
Whereas, cacao farming and chocolate manufacturing in Hawaii is a generational opportunity given the thirty-plus year life of the cacao tree coupled with the additional value of cacao processing and chocolate manufacturing facilities; and

Whereas, cacao farming is a globally valuable food industry that can contribute to a healthy commercial economy that in turn materially contributes to the overall health and well-being of Hawaii; and

Whereas, continuous quality improvement from cacao seed to chocolate sale, over the full continuum of cacao farming, chocolate manufacturing, marketing and sales work, is at the center of Hawaii's national and global private and public operating strategies; and

Whereas, both the United States and Europe each annually consume about one-third of the \$50,000,000,000 in global chocolate industry production with the remaining third consumed in the growing Asian Pacific, South and Central American and other countries; and

Whereas, except for Hawaii, major world chocolate manufacturing facilities are located in temperate climate zones that cannot farm cacao; and

Whereas, only forty-seven countries located within twenty degrees of the equator can grow cacao with Hawaii predicting that it can grow approximately five per cent of the world's cacao production within a decade at which time it will rank in the top ten of cacao producing countries in the world; and

Whereas, certain cacao growing foreign countries also farm plants that supply the raw material for the growing worldwide of illegal drug crops; and

Whereas, the federal government funds initiatives to encourage these foreign countries to concentrate their farming efforts on new crops such as cacao farming instead of illegal drugs; and

Whereas, the county of Hawaii, the State, the United States Department of Agriculture, the Pacific Basin Agricultural Research Center, and Hawaii's congressional delegation have received solid synergistic encouragement and endorsement from the Chocolate Manufacturers Association, the National Confectioners Association, and the American Cocoa Research Institute to establish a world class U.S. Department of Agriculture—Pacific Basin Agricultural Research Center managed cacao germplasm center in Hawaii; and

Whereas, all of these organizations note that a Hawaii-based cacao germplasm center will provide high quality and professional cacao research in Hawaii, which is environmentally sound and historically safe from natural disasters and social turmoil; and

Whereas, support from the chocolate industry for Hawaii's cacao farming and chocolate enterprises was significantly advanced as a result of the authorization to issue \$10,000,000 in state special purpose revenue bonds to assist Hawaii Gold Cacao Tree, Inc., with the construction of its chocolate and cacao manufacturing facility in Hawaii; and

Whereas, the special purpose revenue bonds demonstrated Hawaii's commitment to cacao farming and to securing a U.S. Department of Agriculture—Pacific Basin Agricultural Research Center-managed cacao germplasm center: 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 the Congress and the U.S. Department of Agriculture are urged to establish and fund a U.S. Department of Agriculture—Pacific Basin Agricultural Research Center-managed cacao germplasm center in Hawaii; and be it further*

*Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Secretary of the U.S. Department of Agriculture, and to the members of Hawaii's congressional delegation.*

POM-69. A resolution adopted by the House of the Legislature of the State of Hawaii relative to children with disabilities; to the Committee on Appropriations.

#### HOUSE RESOLUTION NO. 38

Whereas, under Title 20, section 1411(a) of the United States Code, the maximum amount of federal funds that a state may receive for special education and related services is the number of children with disabilities in the State who are receiving special education and related services multiplied by forty per cent of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, since the enactment of the Education for All Handicapped Children Act of 1975 and its subsequent amendments, including the Individuals with Disabilities Education Act of 1990, Congress has appropriated funds for a maximum of ten per cent of special education and related services for children with disabilities when federal law authorizes the appropriation of up to forty per cent; and

Whereas, the Hawaii Department of Education received approximately \$23,500,000 in federal funds during fiscal year 1999-2000 for what was then referred to as "education of the handicapped". If this figure represented an appropriation of funds for ten per cent of special education and related services for children with disabilities, then an appropriation of forty per cent would have equaled \$94,000,000; and

Whereas, the difference between an appropriation of forty per cent and an appropriation of ten per cent for "education of the handicapped" would amount to \$70,500,000 just for the Department of Education. If the number of students receiving special education and related services equaled 22,000 during fiscal year 1999-2000, then the difference would have amounted to approximately \$3,200 per student; and

Whereas, the State of Hawaii, through the Felix consent decree, is being compelled by the federal district court to make up for more than twenty years of insufficient funding for special education and related services—funding that should have been borne substantially by Congress, which enacted the Education for All Handicapped Children Act of 1975 and the Individuals with Disabilities Education Act of 1990; and

Whereas, if Congress is going to mandate new programs or increase the level of service under existing programs for children with disabilities, and if it is going to give the federal courts unfettered power to enforce these mandates through the imposition of fines and the appointment of masters, then Congress should provide sufficient funding for special education and related services: 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 the United States Congress is requested to appropriate funds for forty per cent of special education and related services for children with disabilities; and be it further

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

POM-70. A resolution adopted by the Senate of the Legislature of the Commonwealth of Kentucky relative to the Railroad Retirement and Survivors' Improvement Act; to the Committee on Finance.

#### RESOLUTION NO. 70

Whereas, the Railroad Retirement and Survivors' Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including the entire Kentucky delegation to Congress; and

Whereas, more than 80 United States Senators, including both Kentucky Senator Mitch McConnell and Kentucky Senator Jim Bunning, signed letters of support for this legislation in 2000; and

Whereas, the bill now before the 107th Congress modernizes the railroad retirement system for its 748,000 beneficiaries nationwide, including over 16,600 in Kentucky; and

Whereas, railroad management, labor, and retiree organizations have agreed to support this legislation; and

Whereas, this legislation provides tax relief to freight railroad, Amtrak, and commuter lines; and

Whereas, this legislation provides benefits improvements for surviving spouses of rail workers who currently suffer deep cuts in income when the rail retiree dies; and

Whereas, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, all changes will be paid for from within the railroad industry, including a full share by active employees: Now, therefore, be it

*Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

Section 1. This honorable body hereby urges the United States Congress to support the Railroad Retirement and Survivors' Improvement Act in the 107th Congress.

Section 2. That the Clerk of the Senate is hereby directed to transmit a copy of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of the Kentucky Congressional delegation, and to the United Transportation Union, 3904 Bishop Lane, Suite #5, Louisville, KY 40218.

POM-71. A resolution adopted by the City Council of Napavine, Washington relative to the Memorial Day holiday; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 581: A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies