

(1999-0027), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3591. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Independence Day Celebration, Cumberland River Mile 190.0-191.0, Nashville, TN (CGD08-99-036)" (RIN2115-AE46) (1999-0018), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3592. A communication from the Fisheries Biologist, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule and Request for Comments Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648-AH97), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3593. A communication from the Fisheries Biologist, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule and Request for Comments Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648-AH97), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3594. A communication from the Fisheries Biologist, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notification of an Exemption and Request for Comments Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648-AH97), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3595. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airways; Kahului, HI; Docket No. 97-AWP-35 {6-3/6-3}" (RIN2120-AA66) (1999-0186), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3596. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-9 and C-9 (Military) Series Airplanes; Docket No. 98-NM-110 {6-3/6-3}" (RIN2120-AA64) (1999-0233), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3597. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cesna Aircraft Company Model 402C Airplanes; Request for Comments, Docket No. 99-CE-21 {6-3/6-3}" (RIN2120-AA64) (1999-0234), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3598. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes; Docket No. 97-NM-51 {6-3/6-3}" (RIN2120-AA64) (1999-0235), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3599. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Aircraft Engines CF34 Series Turbofan Engines; Docket No. 98-ANE-19 {5-28/6-3}" (RIN2120-AA64) (1999-0237), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3600. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; Docket No. 98-NM-223 {6-3/6-3}" (RIN2120-AA64) (1999-0236), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

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-172. A petition from citizens of the State of Tennessee relative to the President of the United States; ordered to lie on the table.

POM-173. A resolution adopted by the House of the Legislature of the State of Hawaii relative to the Food Quality Protection Act; to the Committee on Agriculture, Nutrition, and Forestry.

RESOLUTION NO. 56

Whereas, the safe and responsible use of pesticides for agricultural, food safety, structural, public health, environmental, and other purposes has significantly advanced the overall welfare of Hawaii's citizens and the environment; and

Whereas, the 1996 Food Quality Protection Act (FQPA) establishes new safety standards that pesticides must meet to be newly registered or remain on the market; and

Whereas, FQPA requires the U.S. Environmental Protection Agency (EPA) to ensure that all pesticide tolerances meet these new standards by reassessing one-third of the 9,700 current pesticide tolerances by August 1999, and all current tolerances in ten years; and

Whereas, risk determinations based on sound science and reliable real-world data are essential for accurate decisions, and the best way for EPA to obtain this data is to require its development and submission by the registrants through the data call-in process; and

Whereas, risk determination made in the absence of reliable, science-based information is expected to result in the needless loss of pesticides and certain uses of other pesticides; and

Whereas, the needless loss of pesticides and certain pesticide uses will result in fewer pest control options for Hawaii and would be harmful to the economy of Hawaii by jeopardizing agriculture, one of the few industries that has shown great strength during the recent years of the State's flat economy, and fewer pest control options for urban and suburban uses that will result in significant loss of personal property and increased human health concerns; and

Whereas, the needless loss of pesticides will jeopardize the state and county government's ability to protect public health and safety on public property and to protect our natural environmental resources, for example, from aggressive alien species; and

Whereas, the flawed implementation of FQPA is likely to result in significant in-

creases in food costs to consumers, thereby putting the nutritional needs of children, the poor, and the elderly at unnecessary risk; and

Whereas, the Clinton Administration has directed EPA and the U.S. Department of Agriculture (USDA) to jointly work toward implementing FQPA in a manner that assures that children will be adequately protected and that risk determinations related to pesticide tolerances and registrations will be based on accurate, science-based information; and

Whereas, the cost of developing data to quantify real-world risk is prohibitive and minor use data may not be financed by pesticide registrants and the State, and pesticide users may fund studies to support minor uses; Now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, That the U.S. Congress is hereby respectfully requested to direct the Administrator of the EPA to:

(1) initiate rulemaking to ensure that the policies and standards EPA intends to apply in evaluating pesticide tolerances and making realistic risk determinations are based on accurate information, real-world data available through the data call-in process, and sound science, and are subject to adequate public notice and comment before EPA issues final pesticide tolerance determinations;

(2) Provide interested persons the opportunity to produce data needed to evaluate pesticide tolerances so that EPA can avoid making faulty final pesticide tolerance determinations based upon unrealistic default assumptions;

(3) Implement FQPA in a manner that will not adversely disrupt agricultural production nor adversely effect the availability or diversity of the food supply, nor jeopardize the public health or environmental quality through the needless loss of pesticide tolerances for non-agricultural activities;

(4) Delay the August 1999, deadline until 2001 or until EPA, USDA, industry leaders, and manufacturers can provide science-based data as to use, application, and residue of the pesticides under review; and

(5) Implement the registration of new crop protection products for minor and major crops; and be it further

Resolved, That pesticide registrants and EPA are requested to support minor use registrations by reserving a meaningful portion of the risks projected from the use of pesticides or a class of pesticides for minor uses; and be it further

Resolved, That certified copies of the Resolution be transmitted to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, members of Hawaii's Congressional Delegation, the Administrator of EPA, the Secretary of the U.S. Department of Agriculture, the Governor of the State of Hawaii, and the President of the American Crop Protection Association.

POM-174. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to post-harvest treatment of oysters and other shellfish; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 106

Whereas, American consumers have always enjoyed and depended on the availability of choice in their consumption of various products, and consumption of oysters and other shellfish have always been a special treat for American consumers throughout the country; and

Whereas, emerging technologies have made it possible for consumers of oysters and other shellfish to choose between the traditional raw shellfish product and shellfish

products which have been treated or pasteurized; and

Whereas, because a very small segment of American consumers have health considerations which must be weighed while others have concerns about the change in the condition, taste, texture, and price of treated shellfish, the ability to make a choice between these consideration should be maintained; and

Whereas, America's shellfish industry is heavily populated with small self-employed harvesters and producers for which the added expense of required post-harvest treatment of their product might make the difference between continued operation and a harvester having to find employment in another industry; and

Whereas, America's oyster and shellfish industry has worked diligently to educate consumers with certain health conditions about the risks associated with the consumption of certain types of shellfish, and these education efforts have been highly successful in the reduction of health impacts from the consumption of shellfish: Therefore be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to oppose U.S. Food and Drug Administration rules requiring post-harvested treatment of oysters and other shellfish; and be it further

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

POM-175. A resolution adopted by the Legislature of Guam relative to job-training and unemployment; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 101 (LS)

Be it resolved by I Liheslaturan Guåhan:

Whereas, Guam is in the midst of a severe economic recession at the same time that the mainland United States is enjoying unprecedented prosperity, with unemployment officially pegged at fourteen percent (14%), but likely higher; and

Whereas, as a result of the economic crisis in Asia, Guam has seen alarmingly steep declines in tourism arrivals, tourist spending and off-Island investment; and

Whereas, major airlines have reduced the number of flights to and from Guam, resulting in major layoffs in those airlines; and

Whereas, other major businesses on Guam, in all sectors, have also downsized a considerable number of employees; and

Whereas, numbers of temporary government of Guam employees are likely to lose their positions over the balance of the year; and

Whereas, the downsizing of the military presence on Guam has resulted in the loss of thousands of Federal civil service positions on Guam; and

Whereas, in contrast to the National trend, welfare and food stamp recipients on Guam are increasing; and

Whereas, the continued decline in government of Guam revenues due to the economic recession extremely limits the ability of the government of Guam to help these thousands of people in need; and

Whereas, Guam requires more job-training and job-partnership programs in order to train our displaced workforce in areas where career development in the private sector is likely and to upgrade work skills for displaced employees, for the purpose of developing long-term private sector careers for our underemployed people; and

Whereas, the illegal immigration of more than two thousand (2,000) individuals from

China further compounds the problem by straining local resources and further limiting the amount of available jobs as a certain number of illegal aliens may be occupying jobs, especially in the construction industry; and

Whereas, the Compacts of Free Association, which allow for open migration from the Freely Associated States, also have impact in this area during such tough economic times: Now, therefore, be it

Resolved, That *I Mina'Bente Sinko Na Liheslaturan Guåhan* (Twenty-Fifth Guam Legislature) does hereby, on behalf of the people of Guam, respectfully request the Congress of the United States of America to authorize *I Liheslaturan Guåhan* (Guam Legislature) to appropriate some or all of the Ten Million Dollars (\$10,000,000), currently earmarked to Guam for infrastructure costs due to the impact of the Compacts of Free Association, for use in job training and job development, entrepreneurial and business development programs as shall be enacted by the laws of Guam; and be it further

Resolved, That *I Mina'Bente Sinko Na Liheslaturan Guåhan* does hereby, on behalf of the people of Guam, respectfully request the Guam Delegate to the United States House of Representatives to sponsor such amendment to the Department of the Interior Fiscal Year 2000 budget, and fully support this Resolution in the U.S. Congress; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable William Jefferson Clinton, President of the United States; to the Honorable Albert Gore, Jr., President of the United States Senate; to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives; to the Honorable Bruce Babbitt, Secretary of the United States Department of the Interior; to the Honorable Robert A. Underwood, Guam Congressional Delegate to the U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, *I Maga'tahen Guåhan* (Governor of Guam).

POM-176. A joint resolution adopted by the Legislature of the State of Colorado relative to the Postal Rate Commission; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION 99-027

Whereas, The United States Postal Service, an agency of the federal government, holds a monopoly on first-class mail and certain bulk mail services and generates annual multi-million dollar surpluses from its services; and

Whereas, The United States Postal Service has in recent years expanded its activities beyond its core mission of universal mail service to include many competitive and nonpostal related business products and services, such as consumer goods, telephone calling cards, and cellular towers, in direct competition with Colorado private sector enterprises; and

Whereas, The United States Postal Service has used surplus revenues from universal mail service to expand into these competitive and nonpostal activities with no evidence that these activities benefit the citizens of Colorado by improving regular mail service; and

Whereas, The United States Postal Service enjoys monopoly advantages in the marketplace over private sector enterprises, with its ability to maintain lower prices for competitive products due to the multi-million dollar surpluses generated from first-class postage; and

Whereas, The United States Postal Service enjoys many marketplace advantages not

available to private sector enterprises, including exemptions from state and local taxes, parking fees, local zoning ordinances, vehicle use taxes, vehicle licensing fees, and other state and local government regulations, that deprive Colorado state and local governments of needed revenue and fees to offset the effect of the United States Postal Service's operations on highways, law enforcement, and air quality; and

Whereas, The Postal Rate Commission does not have binding authority over the actions or activities of the United States Postal Service related to setting postal rates, entering new business sectors, or using surplus revenues from first-class mail to compete with the private sector: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein, That we, the members of the Sixty-second General Assembly, hereby urge the United States Congress, particularly the members for Colorado's Congressional delegation, to introduce and pass legislation in the 106th Congress to strengthen the oversight power and the authority of the Postal Rate Commission to include:

(1) Subpoena power to examine all records and financial data of the United States Postal Service in order to make informed decisions on postal rate increases, pricing actions, and product offerings;

(2) Jurisdiction and final approval authority on all domestic and international postal rate adjustments; and

(3) Authority over all competitive and non-postal business endeavors, including all products and services outside the scope of universal mail service; and be it further

Resolved, That copies of this Joint Resolution be sent to each member of the United States Congress.

POM-177. A joint resolution adopted by the Legislature of the State of Colorado relative to post-census local review; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION 99-032

Whereas, The decennial census provides the foundation of our electoral democracy; and

Whereas, The decennial census represents an immense mobilization of resources; and

Whereas, The success of the 2000 census depends upon the cost involvement of local governments before, during, and after the census; and

Whereas, Local governments must have trust in all aspects of the 2000 census, including the final numbers; and

Whereas, The precensus program known as the "Local Update of Census Addresses," or "LUCA," is a good program but inadequate without a final review; and

Whereas, Over 21,000 local governments are currently not participating in the LUCA program; and

Whereas, The Census Bureau involved local governments in a program known as "Post-Census Local Review" during the 1990 census; and

Whereas, The Census Bureau has discontinued this valuable program for the 2000 census, to the displeasure of most cities in the United States; and

Whereas, In the 1990 census, 80,000 households that would otherwise have been missed were added to the final count, despite a 15-day time limit, through Post-Census Local Review; and

Whereas, Every household missed contributes to the undercount; and

Whereas, Congress must make every legal effort to have the most accurate census possible; and

Whereas, Congress is considering legislation, known as the "Local Quality Control

Act," H.R. 472, to reinstate the Post-Census Local Review program and give the option to 39,000-plus local governments to check for Census Bureau mistakes before the numbers become final; and

Whereas, The National League of Cities, which represents 17,000 cities, enthusiastically supports Post-Census Local Review and H.R. 472; and

Whereas, The National Association of Towns and Townships, which represents 11,000 mostly rural towns and townships, supports Post-Census Local Review and H.R. 472; and

Whereas, The National Association of Developmental Organizations, whose members represent approximately 77 million Americans, or one-third of the U.S. population, supports Post-Census Local Review and H.R. 472; and

Whereas, The Secretary of Commerce's Census 2000 Advisory Committee recommended that he reinstate Post-Census Local Review for the 2000 census; and

Whereas, Without Post-Census Local Review, local governments will not have a final check before the Census Bureau's count of their cities or towns is reported to the President of the United States: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein, That the Sixty-Second General Assembly of the State of Colorado hereby declares its support for the immediate passage of Post-Census Local Review legislation, H.R. 472, as an important local government tool to instill trust in the census process and ensure that no households are missed by the Census Bureau in the 2000 census; and be it further

Resolved, That copies of this Resolution be transmitted to the Speaker of the U.S. House of Representatives, the Majority Leader of the U.S. Senate, the President and Vice-President of the United States, the U.S. Secretary of Commerce, and to each member of the congressional delegation from the State of Colorado.

POM-178. A joint resolution adopted by the Legislature of the State of Colorado relative to the Year 2000 Census; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION 99-012

Whereas, Article I, section 2, clause 3 of the United States Constitution requires an "actual enumeration" of the population every ten years, and Congress oversees all aspects of each decennial enumeration; and

Whereas, The purpose of the decennial census, as set forth in the U.S. Constitution, is to apportion the seats in the U.S. House of Representatives among the several states; and

Whereas, An accurate and legal decennial census is necessary to perform that function properly; and

Whereas, An accurate and legal decennial census is necessary to enable states to comply with federal constitutional mandates governing congressional districts and with federal and state constitutional mandates governing state legislative districts; and

Whereas, In order to ensure an accurate count and to minimize the potential for political manipulation, the actual enumeration mandated by the U.S. Constitution requires a traditional headcount and prohibits statistical estimates of the population; and

Whereas, Title 13, United States Code, section 195 expressly prohibits the use of statistical sampling to enumerate the population for the purpose of reapportioning the U.S. House of Representatives; and

Whereas, After the constitutional requirement to apportion seats in the U.S. House of

Representatives among the states has been satisfied, the states must perform the critical task of redrawing the boundary lines for congressional and state legislative districts, which also requires the use of census data; and

Whereas, The United States Supreme Court, in *Department of Commerce et al. v. United States House of Representatives et al.*, together with *Clinton, President of the United States, et al. v. Glavin et al.*, ruled on January 25, 1999, that the federal Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating population for purposes of apportioning seats in the U.S. House of Representatives; and

Whereas, In reaching its findings, the U.S. Supreme Court found that the use of statistical sampling to adjust census numbers would result in voters suffering vote dilution in state and local elections, thus violating the constitutional guarantee of "one person, one vote"; and

Whereas, The use of statistically adjusted census data would expose the State of Colorado to protracted litigation over congressional and state legislative redistricting plans at great cost to the taxpayers; and

Whereas, Every reasonable and practical effort should be made to obtain the fullest and most accurate population count possible, including appropriate funding for state and local census outreach and education programs, as well as post-census local review: Now, therefore, be it

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

(1) That the Colorado General Assembly calls on the United States Bureau of the Census to conduct the 2000 decennial census consistent with the U.S. Supreme Court ruling in the *Department of Commerce and Glavin* cases, which requires a traditional headcount of the population and bars the use of statistical sampling to create or adjust the count.

(2) That the Colorado General Assembly opposes the use of P.L. 94-171 data for congressional and state legislative redistricting that have been determined in any way through statistical inferences made using random sampling techniques or other statistical methodologies to add or subtract persons from the census counts.

(3) That the Colorado General Assembly demands that it receive P.L. 94-171 data for congressional and state legislative redistricting identical to the census tabulation data used to apportion seats in the U.S. House of Representatives consistent with the *Department of Commerce and Glavin* cases, which require a traditional headcount of the population and bar the use of statistical sampling to create or adjust the count.

(4) That the Colorado General Assembly urges Congress, as the branch of the federal government assigned the responsibility for overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and be it further

Resolved, That a copy of this Resolution be transmitted to the Speaker of the U.S. House of Representatives, the Majority Leader of the U.S. Senate, the President and Vice-President of the United States, and the Director of the Bureau of the Census in the U.S. Department of Commerce.

POM-179. A joint resolution adopted by the Legislature of the State of Colorado relative to the redesign study relating to the Cherry Creek Dam; to the Committee on Appropriations.

SENATE JOINT RESOLUTION 99-023

Whereas, The terms "probable maximum flood" and "probable maximum precipita-

tion" as used by the United States Army Corps of Engineers are misleading terminology because they are both improbable events with respect to the Cherry Creek Basin; and

Whereas, The United States Army Corps of Engineers has assumed the Cherry Creek Dam will fail following an extraordinarily improbable chain of events; and

Whereas, The probable maximum precipitation is a theoretical maximum only and has somewhere between a one in one million to a one in one billion chance of occurring in any single year; and

Whereas, The site specific probable maximum precipitation study completed for the United States Army Corps of Engineers by the National Weather Service has erroneously applied meteorological procedures and fails to include documented historical paleo flood evidence; and

Whereas, This error is further compounded by the erroneous assumption that the topographic effects of the Palmer Divide will increase the rainfall in the Cherry Creek Basin; and

Whereas, The probable maximum flood used by the United States Army Corps of Engineers is more than twice the flood estimates prepared by other dam safety officials; and

Whereas, Probable maximum precipitation estimates in the western United States are typically about 3 times the 100-year rainfall event; and

Whereas, The United States Army Corps of Engineers has used 7 times the 100-year rainfall event; and

Whereas, The United States Army Corps of Engineers and the National Weather Service have refused an independent peer review, even though the Federal Energy Regulatory Commission regularly requires such peer reviews as part of its licensing procedures for hydro power facilities at dams, and the Colorado State Engineer has a similar policy for reviews of probable maximum precipitation studies and is currently in phase II of a study funded by Colorado Senate Bills 94-029 and 97-008 to develop an alternative model to predict extreme rainfall amounts for basins above 5,000 feet mean sea level; and

Whereas, Such an independent peer review panel should consist of local experts in the fields of extreme precipitation and flood hydrology that have knowledge of Colorado's unique climatological conditions; and

Whereas, The March 5, 1999, "peer" review response submitted by the United States Army Corps of Engineers is simply another in-house review prepared by the National Weather Service, is not an independent analysis, and does not address the full range of issues that are typically addressed in a proper independent peer review; and

Whereas, The proposed construction of upstream dry dams will displace many Coloradans from their homes and businesses and destroy hundreds of acres of active agricultural land and open space; and

Whereas, Any government agency proposal to spend from \$50 to \$250 million of taxpayer money must be based on data and assumptions that are as accurate as possible; and

Whereas, Because all alternatives being considered by the United States Army Corps of Engineers will have substantial negative impact on homes and families near the dam and upstream of the dam and adversely affect property values, the cost of any real estate that would properly be condemned should be included in determining the cost of any alternatives considered: Now, therefore, be it

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

That no further funding of the United States Army Corps of Engineers should be

provided for the Cherry Creek Basin Study until the United States Army Corps of Engineers completes on independent peer review of the National Weather Service data in order to determine the appropriate design flood for the Cherry Creek Basin; and be it further

Resolved, That copies of this joint resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of Colorado's Congressional delegation, the Governor of the State of Colorado, the Commander of the United States Army Corps of Engineers, and the Colorado Water Conservation Board.

POM-180. A joint resolution adopted by the Legislature of the State of Colorado relative to national missile defense; to the Committee on Armed Services.

SENATE JOINT RESOLUTION 99-029

Whereas, Colorado is the thirty-eighth state to enter the federal union of the United States of America and is entitled to all the rights, privileges, the obligations that the union affords and requires, including the obligation of the federal government to provide for the common defense; and

Whereas, The federal government has not provided for the common defense of the United States, including Colorado, against attack by long-range ballistic missiles; and

Whereas, The United States currently has no defense against long-range ballistic missiles despite possessing sophisticated military installations, such as the NORAD command center in Cheyenne Mountain; and

Whereas, The people of Colorado recognize the evolution and proliferation of missile delivery systems and weapons of mass destruction, including nuclear, chemical, and biological weapons, in foreign states such as North Korea, Iran, Iraq, Libya, China, and Russia who are sharing ballistic missile and nuclear weapons technology among themselves; and

Whereas, There is a growing threat to the United States and its territories, deployed forces, and allies by aggressors in foreign states and rogue nations that are seeking chemical, biological, and nuclear weapons capability and a means to deliver such capability using long-range ballistic missiles; and

Whereas, On August 31, 1998, without any advance detection by the U.S. intelligence community and to the surprise of the Chairman of the Joint Chiefs of Staff, communist North Korea tested its Taepo Dong 1 Long-Range Ballistic Missile; and

Whereas, With its estimated range of 3,000 to 6,000 miles, this type of three-stage ballistic missile is capable of reaching the United States, and, if used as a fractional orbital bombardment system, the missile has an unlimited range; and

Whereas, In 1996, communist China threatened the United States with ballistic missile attack if it intervened in the dispute between China and Taiwan and, in 1995 and 1996, communist China launched ballistic missiles near Taiwan to threaten that country; and

Whereas, China has conducted at least forty-five nuclear tests, and in 1998, the Central Intelligence Agency reported that thirteen of China's eighteen long-range missiles were targeted at U.S. cities; and

Whereas, In addition to the long-range ballistic missiles it currently possesses, China is also building new long-range ballistic missiles; and

Whereas, In 1993, in response to its economic difficulties and decline in conventional military capability, Russia's leaders issued a national security policy placing greater reliance on nuclear deterrence; and

Whereas, Russia still has over 20,000 nuclear weapons, and the risk of an accident or loss of control over Russian ballistic missile forces could occur with little or no warning to the U.S.; and

Whereas, Russia poses a risk to the United States as a major exporter of ballistic missile technology, enabling countries hostile to the United States to threaten or attack the United States with ballistic missiles; and

Whereas, The congressional chartered Commission to Assess the Ballistic Missile Threat to the United States led by former Secretary of Defense Donald Rumsfeld unanimously recommended that the U.S. analyses, practices, and policies that depend on expectations of extended warning of deployment of ballistic missiles be reviewed and, as appropriate, be revised to reflect the reality of an environment in which there may be little or no warning of development and launch of said missiles; and

Whereas, In March 1999 the United States Congress passed legislation declaring it the policy of the United States to deploy a national missile defense, in recognition of the threats we face: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein, That the President, Congress, and the government of the United States are hereby strongly urged:

(1) To take all actions necessary to provide for the common defense and protect on an equal basis all people, resources, and states of the United States from the threat of missile attack, regardless of the physical location of each state of the union;

(2) To include all fifty states in every National Intelligence Estimate of missile threat of the United States;

(3) To take all necessary measures to ensure that all fifty states are protected from weapons delivered by long-range ballistic missiles or by means of terrorists;

(4) To make the safety and common defense of all fifty states a priority over any international treaty or obligation;

(5)(a) To deploy a common defense against long-range ballistic missiles capable of providing multiple opportunities to intercept a ballistic missile or intercepting a ballistic missile in its boost phase (its most vulnerable position);

(b) To deploy a defense fully exploiting the advantages of using defenses in space; and

(c) To deploy such a defense using accelerated funding and streamlined acquisition procedures to minimize the time for deployment; and

(6) To hold appropriate Congressional committee hearings that include the testimony of defense experts and administration officials to enable the citizens of the United States to understand the nature and extent of their vulnerability to ballistic missile attack and their level of security against such an attack; and be it further

Resolved, That copies of this Resolution be sent to the President of the United States; the Vice-president of the United States; the Speaker of the United States House of Representatives; the chairmen of the Appropriations committees of the United States House of Representatives and the United States Senate; the chairmen of the Armed Services committees of the United States House of Representatives and the United States Senate; and each member of the Colorado Congressional delegation.

POM-181. A joint resolution adopted by the Legislature of the State of Maine relative to reauthorization of the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, Maine the nearly 500 dairy farms producing milk valued annually at over \$100,000,000; and

Whereas, maintaining a sufficient supply of Maine-produced milk and milk products is the best interest of Maine consumers and businesses; and

Whereas, Maine is a member of the Northeast Interstate Dairy compact; and

Whereas, the Northeast Interstate Dairy Compact will terminate at the end of October 1999 unless action is taken by the Congress to reauthorize it; and

Whereas, the Northeast Interstate Dairy Compact's mission is to ensure the continued viability of dairy farming in the Northeast and to ensure consumers of an adequate, local supply of pure and wholesome milk; and

Whereas, the Northeast Interstate Dairy Compact has established a minimum price to be paid to dairy farmers for their milk, which has helped to stabilize their incomes; and

Whereas, in certain months the compact's minimum price has resulted in dairy farmers receiving nearly 10% more for their milk than the farmers would have otherwise received; and

Whereas, actions taken by the compact have directly benefited Maine dairy farmers and consumers: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress reauthorize the Northeast Interstate Dairy Compact; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the president of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each member of the United States Congress who sits as chair on the United States House of Representatives Committee on Agriculture or the United States Senate Committee on Agriculture, Nutrition and Forestry, the United States Secretary of Agriculture and each Member of the Maine Congressional Delegation.

POM-182. A resolution adopted by the Commission of Knox County, Tennessee relative to the Tennessee Valley Authority; to the Committee on Environment and Public Works.

POM-183. A concurrent resolution adopted by the General Assembly of the State of Missouri relative to tobacco settlement funds; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 14

Whereas, in late November, 1998, Missouri accepted the 206 billion dollar settlement agreement negotiated between 46 states and the tobacco industry;

Whereas, the states' attorneys general crafted the settlement agreement to protect states' interests, consistent with the lawsuits filed on behalf of the states;

Whereas, the settlement agreement reflects difficult policy decisions and years of effort among the states which bore the risk and expense of litigating their claims against a strong tobacco industry;

Whereas, the federal government neither participated in nor assisted with the litigation and negotiation of the states' claims, yet now seeks to seize a substantial portion of the resulting payments due to the states;

Whereas, the federal government bases its claim on federal right to recoupment for medicaid expenses, a claim which was not promoted by the federal government in any litigation prior to the settlement of the states' claims;

Whereas, by the terms of the settlement, Missouri would receive approximately 6.7 billion dollars by 2025, yet faces an estimated potential loss of 3.9 billion dollars of this amount to the federal government;

Whereas, Missouri rightfully should determine the best use of the settlement proceeds achieved through state effort, using state resources and motivated by state concerns: Now, therefore, be it

Resolved by the members of the Missouri Senate and the Ninetieth General Assembly, the House of Representatives concurring therein, That the President of the United States and the members of Missouri's Congressional delegation recognize the effort and resources expended by Missouri to promote and protect its interests throughout the litigation and negotiation of claims against the tobacco industry; and be it further

Resolved, That the General Assembly of the State of Missouri requests that the President of the United States and the members of Missouri's Congressional delegation protect the proceeds negotiated by Missouri in settlement of its claims by refusing to divert, seize or recoup any portion of the settlement proceeds for federal purposes; and be it further

Resolved, That the Secretary of the Senate be instructed to provide properly inscribed copies of this resolution to William Jefferson Clinton, President of the United States, to each member of Missouri's Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

POM-184. A concurrent resolution adopted by the General Assembly of the State of Missouri relative to tobacco settlement funds; to the Committee on Finance.

RESOLUTION

Whereas, on November 23, 1998, a historic accord was reached between 46 states, U.S. territories, commonwealths and the District of Columbia and tobacco industry representatives that called for the distribution of tobacco settlement funds to states over the next twenty-five years; and

Whereas, these funds result from the effort put forth by state attorneys general in which states solely assumed enormous risks and displayed determination to initiate a settlement that will lead to reduced youth smoking and reduced access to tobacco products; and

Whereas, in the fall of 1997, states were notified by the U.S. Department of Health and Human Services of its intention to "recoup" the federal match from funds states received through suits brought against tobacco manufacturers; and if such recoupment takes place, the states will lose one-half or more of the tobacco settlement funds; and

Whereas, the federal government played no role in the suits brought against tobacco manufacturers or the subsequent settlement agreement and the November 23rd accord makes no mention of Medicaid or federal recoupment; and

Whereas, the U.S. Department of Health and Human Services has suspended recoupment activities; and

Whereas, we the members of the Ninetieth General Assembly believe that the suspension on the federal government's recoupment of tobacco settlement funds should be converted into an outright prohibition against the federal government recouping any of the tobacco settlement money; and

Whereas, we the members of the Ninetieth General Assembly believe that if the federal government recoups any funds received through suits brought against tobacco manufacturers, such recoupment should be immediately returned to the state; and

Whereas, to prevent the seizure of state tobacco settlement funds when they become available to the states in 2000, an amendment to the Medical statute must be enacted to exempt tobacco settlement funds from recoupment: Now, therefore, be it

Resolved, That the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby go on record in support of state retention of all state tobacco settlement funds; and be it further

Resolved, That the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the federal government, in the event recoupment occurs, to return upon receipt any tobacco settlement funds recouped from the state; and be it further

Resolved, That the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge Congress to enact an amendment to the Medicaid statute that would exempt tobacco settlement funds from recoupment; and be it further

Resolved, That the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the entire Missouri Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

POM-185. A petition from the Georgia State Properties Commission relative to the Georgia-South Carolina boundary; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment:

S. 880. A bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program (Rept. No. 106-70).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 698. A bill to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the state of Alaska, and for other purposes (Rept. No. 106-71).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 748. A bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes (Rept. No. 106-72).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. CLELAND, for Mr. WARNER, for the Committee on Armed Services:

The following named officer for appointment as the Chief of Staff, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3033:

To be general

Gen. Eric K. Shinseki, 0000.

By Mr. ROBERTS, for Mr. WARNER, for the Committee on Armed Services:

The following named officer for appointment as Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5043:

To be general

Lt. Gen. James L. Jones, Jr., 0000.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. COLLINS (for herself, Mr. CLELAND, and Mr. GREGG):

S. 1189. A bill to allow Federal securities enforcement actions to be predicated on State securities enforcement actions, to prevent migration of rogue securities brokers between and among financial services industries, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REED:

S. 1190. A bill to apply the Consumer Product Safety Act to firearms and ammunition; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mr. WELLSTONE, Ms. SNOWE, and Mr. JOHNSON):

S. 1191. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for facilitating the importation into the United States of certain drugs that have been approved by the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. BRYAN):

S. 1192. A bill to designate national forest land managed by the Forest Service in the Lake Tahoe Basin as the "Lake Tahoe National Scenic Forest and Recreation Area", and to promote environmental restoration around the Lake Tahoe Basin; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S. 1193. A bill to improve the safety of animals transported on aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. COVERDELL, Mr. HELMS, Mr. ASHCROFT, Mr. GRAMM, Mr. KYL, Mr. HAGEL, Mr. INHOFE, Mr. FRIST, Mr. BOND, Mr. THURMOND, Mrs. HUTCHISON, Mr. MCCONNELL, Mr. ENZI, Mr. WARNER, Mr. DEWINE, Mr. SESSIONS, Mr. COCHRAN, Mr. BUNNING, Mr. ROBERTS, Mr. GORTON, Mr. SHELBY, Mr. THOMAS, and Mr. MACK):

S. 1194. A bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1195. A bill to give customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COVERDELL:

S. 1196. A bill to improve the quality, timeliness, and credibility of forensic science