

(The nomination received today is printed at the end of the Senate proceedings.)

#### MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 3767. An act to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8706. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report relative to the DoD missions and functions review report; to the Committee on Armed Services.

EC-8707. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, a report relative to the current Future Years Defense Program funding of the support costs associated with the F/A-18E/F multiyear procurement program; to the Committee on Armed Services.

EC-8708. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report relative to the percentage of funds that are projected to be expended during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC-8709. A communication from the Under Secretary of Defense, Policy, transmitting, pursuant to the 1999 Defense Authorization Act, a report that includes a descriptive summary of appropriations requested for each project category under each Cooperative Threat Reduction program element; to the Committee on Armed Services.

EC-8710. A communication from the President of the United States of America, transmitting, pursuant to the 1998 Supplemental Appropriations and Rescissions Act and the Strom Thurmond National Defense Authorization Act for FY 1999, the report on progress made toward achieving benchmarks in Bosnia, as adopted by the Peace Implementation Council and the North Atlantic Council for evaluating implementation of the Dayton Peace Accords, for a sustainable peace progress; to the Committee on Armed Services.

#### 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-468. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to obtaining an apology from the government of Japan for crimes against prisoners of war during World War II; to the Committee on Foreign Relations.

#### HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, 33,587 men and women in the United States military and 13,966 United

States civilians were captured by the forces of the Empire of Japan in the Pacific Theater during World War II, confined in brutal prison camps, and subjected to severe shortages of food, medicine, and other basic necessities; and

Whereas, many of the United States military and civilian prisoners of the Imperial Japanese Government during World War II were forced to work in coal, copper, lead, and zinc mines, steel plants, shipbuilding yards, and other private Imperial Japanese industries; and

Whereas, many of the United States military and civilian prisoners of the Imperial Japanese Government were starved and beaten to death or executed by beheading, firing squads, or immolation, while working for Japanese business entities that have become some of the largest multinational companies in the world today; and

Whereas, the Federal Republic of Germany has formally apologized to the victims of the Holocaust and provided financial compensation to its victims; and

Whereas, the United States government, in 1988, acknowledged the unfairness of its policy of detaining and interring Japanese-Americans during World War II; and

Whereas, while Japanese government officials have expressed personal apologies and supported the payment of privately funded reparations to some victims, the Japanese government has refused to fully acknowledge the crimes of Imperial Japan committed during World War II and to provide reparations to its victims; Therefore, be it

*Resolved*, That the Legislature of Louisiana requests that the President of the United States and the United States Congress take all appropriate action to further bring about a formal apology and reparations by the Japanese government for the war crimes committed by the Imperial Japanese military during World War II. Be it further

*Resolved*, That suitable copies of this Resolution be transmitted to the President of the United States, the Japanese Ambassador to the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Louisiana's congressional delegation.

POM-469. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to Social Security; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION NO. 13

Whereas, in November 1999, the National Conference of State Legislatures (NCSL) published a position-neutral report titled "Federal Reductions to Social Security Benefits of State and Local Employees: The Windfall Elimination Reduction and the Government Pension Offset"; and

Whereas, the NCSL report stated that two federal Social Security provisions known as the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP) result in a reduction of Social Security benefits received by beneficiaries who also receive "uncovered" government retirement benefits earned through work for a state or local government employer where the Social Security payroll tax was not paid; and

Whereas, the NCSL report stated that congress, in crafting the GPO and WEP benefit reductions, intended to alleviate concerns that public employees who had worked primarily in uncovered, non-Social Security employment receive the same benefit as workers who had worked in covered employment throughout their career; and

Whereas, the NCSL report stated that the GPO reduces the Social Security spouse's (widow's) benefit by two-thirds of the

amount of the public retirement benefit received by the spousal beneficiary and, in some case, the offset will eliminate a Social Security benefit; and

Whereas, the WEP applies to some government employees who worked primarily in uncovered employment and who have earned an uncovered government pension and also worked enough quarters in covered employment to qualify for an earned Social Security benefit which is subject to a reduction of up to one-half of the amount of the uncovered public retirement benefit earned; and

Whereas, based on the facts as presented in the NCSL report, it can be argued that both the GPO and the WEP reductions are unfair to lower-wage public employees who receive lower uncovered public pension benefits, because the greatest reductions are suffered by the lowest Social Security earners, and both reduction provisions assume that public employees in uncovered employment, are career employees and make no adjustments for employees who may move in and out of public sector employment or who may qualify for only a minimal uncovered government pension: Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize congress to repeal the two federal Social Security provisions known as the Government Pension Offset and the Windfall Elimination Provision, and thereby prevent the reduction of Social Security benefits received by beneficiaries who also receive "uncovered" government retirement benefits earned through work for a state or local government employer. 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-470. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to tax treatment of independently contracted school bus operators; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION NO. 14

Whereas, many Louisiana school systems retain school bus operators who own their own school buses and who act as independent contractors for the purpose of transporting students to and from school and school-related events, and each such operator incurs expenses in the performance of his duties, including the cost of new tires, tune-ups, routine maintenance, engine and body repair, interest on financing of the bus, and depreciation thereof; and

Whereas, in each year prior to 1989, such operators were paid a base salary that was reported to the Internal Revenue Service on form W-2 which applies to statutory employees and, in addition thereto, were paid a separate operation expense reimbursement allowance that was reported on form 1099-Miscellaneous which applies to independent contractors; and

Whereas, in each tax year prior to 1989, each such operator was required to pay income tax on his base salary, but it appears that the Internal Revenue Service apparently either condoned or was unaware of the prevailing tax practice of the operators who were foregoing the reporting of their form 1099-Miscellaneous allowance as taxable income thereby allowing, in effect, a tax exemption relative thereto; and

Whereas, the former practice of many operators was to carry forward the unused, untaxed portion of their expense allowance to be applied in any future year if the expense allowance paid in that year did not cover the expenses actually incurred; and

Whereas, during the year 1988, or sometime thereabout, the practice of issuing both a form W-2 and form 1099-Miscellaneous to an individual employee came to the attention of the Internal Revenue Service which, apparently, concluded that the practice of treating a single employee as both a statutory employee and an independent contractor, and the resulting accumulation of unused, untaxed expense allowances was unacceptable and further concluded that a law or regulation was necessary to address the subject; and

Whereas, in tax year 1989, United States Treasury Regulation §1.62-2 became effective, which required employers to pay operational reimbursement allowances in compliance with an arrangement known as an "accountable plan", requiring operators to: (1) only claim expenses incurred in the operation of their buses, (2) provide employers with an itemized list of actual operating expenses, and (3) return to their employers the amount of expense allowance that exceeded the actual expenses incurred during the pay period; and

Whereas, to comply with the 1989 tax regulation, employers began changing their method of paying operators by discontinuing the payment of a separate operational expenses allowance, while simultaneously increasing each operator's base salary by an amount equal to the former expense allowance, and reporting the total amount to the Internal Revenue Service as form W-2 salary; and

Whereas, reporting operational expense allowance as form W-2 salary instead of form 1099-Miscellaneous income, deprives each operator of the opportunity to forego reporting the total amount of the allowance as taxable income as was the widespread practice prior to tax year 1989 and, furthermore, subjects the unused expense allowance to taxation unless that portion is returned to the employer; and

Whereas, the federal government's apparent objective of preventing the accumulation of unused, untaxed expense allowance appears to be neutral on its face, but it nevertheless has caused a departure from treating all operators the same, resulting in a situation that many operators consider to be unfair and disparate treatment between operators, and one example of such perceived disparate treatment is the contrast between those operators who itemize their expenses for deduction purposes as compared to those who must claim the standard deduction; and

Whereas, there are operators whose personal finances are such that they file a federal income tax form 1040 along with a schedule of deductions, and their individual circumstances allow them to deduct all or a part of their expense allowance from taxable income but, by contrast, there are other operators whose personal finances are such that they must claim the standard deduction and, because their circumstances do not allow for itemization, they have no choice but to report their operation expense allowance as taxable income less any returned portion; and

Whereas, the division of operators into those two groups reveals that one group can deduct allowances from taxable income while the other group cannot, thus causing disparate treatment between the two groups, even though the factors that distinguish the groups may be based on totally random and fortuitous circumstances that are unrelated to the occupation of school bus operator, including such factors as home ownership, having a second job, or being married to a highly compensated spouse; and

Whereas, any such disparate treatment can be corrected simply by returning to the pre-1989 policy of treating independently con-

tracted school bus operators as hybrid employees, meaning that they should be treated as statutory employees with respect to their base salary and treated as independent contractors with respect to their operation expense allowance, provided such policy includes an authorization to report the total amount of such allowances on form 1099-Miscellaneous, with an exemption of those allowances from taxable income without returning the unused portion, and thereby allowing a carryforward thereof. Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to correct disparate treatment of independently contracted school bus operators by enacting legislation to cause a return to the pre-1989 policy to treating such operators as hybrid employees, meaning that they should be treated as statutory employees with respect to their base salary and treated as independent contractors with respect to their operation expense allowance, provided such policy includes authorization to report the total amount of such allowances on form 1099-Miscellaneous, with an exemption of those allowances from taxable income without returning the unused portion, and thereby allowing a carryforward thereof. Be it further

*Resolved*, That a copy of this Resolution be transmitted to the president of the United States Senate, to the speaker of the United States House of Representatives, and to each member of the Louisiana congressional delegation.

POM-471. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the compensation of retired military personnel; to the Committee on Armed Services.

#### HOUSE CONCURRENT RESOLUTION NO. 15

Whereas, American servicemen and women have dedicated their careers to protect the rights we all enjoy, and many career military personnel have endured hardships, privation, the threat of death, disability, and long separations from their families while in service to our country, and those soldiers and sailors who have made a career of defending our great nation in peace and war from the time of the American Revolution until the present day are integral to the success of our military forces; and

Whereas, there exists a gross inequity in the federal statutes that deny disabled career military personnel equal rights to receive Veterans Administration disability compensation concurrent with receipt of earned military retired pay, although legislation has been introduced in the United States Congress to remedy this inequity applicable to career military personnel; and

Whereas, the injustice involves those veterans who are retired with a minimum of twenty years of service, in that they are denied the receipt of hard-earned military longevity retirement pay which is not paid, but should be paid concurrently with Veteran Administration awards for service-connected disability compensation.

Whereas, there is a significant difference between earned career military retirement benefits that are based on twenty years or more of honorable and faithful service and rank at time of retirement, and disability compensation which, unlike longevity retirement pay, is intended to compensate for pain, suffering, disfigurement, chemical exposures, wound injuries, and a loss of earning ability has a minimum requirement of only ninety days of active duty; and

Whereas, military retirement benefits are not "free" because military personnel must contribute toward their retirement, which

results in a reduction of military base pay by approximately seven percent when pay and allowances are computed and approved by Congress and, traditionally, career military personnel receive lower pay and retirement benefits compared to their civilian counterparts after a life of hardship and long hours without overtime pay and without the advocacy of unions to seek better benefits; and

Whereas, the Veterans Administration pays to disabled veterans with a total body disability of thirty percent or more additional compensation known as "dependents allowances" which is based on one or more dependents of the disabled veteran and the amount of the allowance increases with the severity of the disability, and the Department of Defense causes to be deducted from disabled veterans' benefits an amount which is more or less the same amount as the dependents allowance, and essentially leaves the disabled veteran with no dependents allowance, and the effect of that practice is to extend discriminatory treatment to the families of disabled retirees; and

Whereas, it is patently unfair to require disabled military retirees to fund their own Veterans Administration compensation by deductions on a dollar-for-dollar basis, and no such deduction applies to the benefits of similarly situated federal civil service or congressional disability retirees, and to correct this unjust discrimination a statutory change is necessary which will also serve the purpose of ensuring that America's commitment to national and international goals is matched by the same allegiance as already shown by those who sacrificed their physical well-being on behalf of those goals: Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to amend Title X, United States Code, relating to the compensation of retired military, to permit concurrent receipt of retired military pay and Veterans Administration disability compensation, including dependents allowances. Be it further

*Resolved*, That a copy of this Resolution be transmitted to the president of the United States, the United States secretary of defense, the presiding officer of the Senate and the House of Representatives of the Congress of the United States, the committee chairman of the Senate Armed Forces Committee and the Senate Veterans Affairs Committee, the committee chairman of the House National Security and Veterans Affairs Committee, and each member of the Louisiana congressional delegation.

POM-472. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Water Resources Development Act of 2000; to the Committee on Environment and Public Works.

#### HOUSE CONCURRENT RESOLUTION NO. 17

Whereas, Louisiana citizens living and working in southeast Louisiana have been and continue to be vulnerable to the devastating effects of hurricanes and tropical storms; and

Whereas, the Morganza to the Gulf of Mexico Hurricane Protection Project will provide protection for the residents, business, and property owners of Louisiana; and

Whereas, the state of Louisiana and the U.S. Army Corps of Engineers have worked together to coordinate and construct projects according to the hurricane protection alignment that complies with U.S. Army Corps of Engineering standards; and

Whereas, the state of Louisiana has expended a considerable amount of effort and capital on projects that are along and within the proposed Morganza to the Gulf of Mexico Hurricane Protection Project alignment; and

Whereas, the state of Louisiana, serving as the local sponsors for the Morganza to the Gulf of Mexico Hurricane Protection Project, will be responsible for providing the matching funds for this project: Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to include in the Water Resources Development Act of 2000, a directive to the secretary of the Army, acting through the Chief of Engineers, to credit toward the nonfederal share for the cost of any work performed by the nonfederal interests for interim flood protection determined by the secretary of the Army as compatible and an integral part of the Morganza to the Gulf of Mexico Hurricane Protection Project. Be it further

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to include in the Water Resources Development Act of 2000, an authorization to the secretary of the Army to permit the nonfederal sponsor for the Morganza to the Gulf of Mexico Hurricane Protection Project to pay, without interest, the remaining nonfederal share of the project over a period to be determined by the secretary not to exceed thirty years. 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-473. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to a dairy waste management program in Louisiana; to the Committee on Appropriations.

#### HOUSE CONCURRENT RESOLUTION NO. 42

Whereas, Louisiana is home to approximately four hundred dairy farms, and the continued existence of the dairy industry is of vital importance to the people of this state; and

Whereas, one of the major problems facing dairy farmers in this state is the creation and maintenance of facilities for the disposal of waste from dairy cows; and

Whereas, proper management of dairy waste can and does serve numerous public purposes, such as ensuring a dependable supply of milk and other dairy products for consumers and enhancing the quality of the water, soil, and air of this state; and

Whereas, proper management of dairy waste has become cost prohibitive and thus become an issue threatening the very existence of the dairy farmers in Louisiana; and

Whereas, the dairy farmers are in dire need of financial assistance to aid in the management and ultimate disposal of dairy waste; and

Whereas, the dairy farmers desire to implement a dairy waste management program, the costs of which are shared between the dairy farmers and the state and federal governments, entities which recognize the vital importance of these dairy farmers to the citizens of this state: Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to financially assist the dairy farmers in implementing a dairy waste management program. 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-474. A concurrent resolution adopted by the Legislature of the State of Louisiana

relative to the U.S. Census; to the Committee on Governmental Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 54

Whereas, the completion of U.S. Census forms is a critically important endeavor, as an accurate count of the citizens of the United States and of the states and units of local government is essential to provide for proper representation of elected bodies and allocation of federal and other government funds; and

Whereas, for these reasons it is important that congress take all necessary action to ensure that the census does not include intrusive questions that may discourage some citizens from completing their census forms; and

Whereas, one in six households nationwide has received the long version of the census form, which has fifty-three questions that ask citizens about topics ranging from income to what kind of plumbing they have in their homes; and

Whereas, the questions on the long version of the census form go far beyond simple inquiries like name, age, and gender; they are personal inquiries regarding education, real estate, employment, and whether children are natural-born or adopted, and many citizens consider these questions to be unnecessarily intrusive; and

Whereas, even though some of these questions may provide information that is important to the provision of services to citizens by both the public and private sectors, the necessity for the development of this data by the census bureau and its significance in the lives of citizens is not readily apparent; and

Whereas, there is evidence that the intrusive nature of the questions on the long census form deters otherwise willing participants from completing the form, thereby distorting the results of the census that are vital to ensuring fair and equal representation and equitable funding for all the citizens of the United States; and

Whereas, the forms left uncompleted by citizens who feel the questions are too intrusive may result in inaccurate data and, thus, drastically impact the distribution of one hundred eighty billion dollars in federal aid routed to each state primarily on the basis of census data; federally funded programs include the building of highways, Medicare and Medicaid, and a variety of services for the elderly; and

Whereas, citizens who answer the census help their communities obtain federal and state funding and valuable information for planning schools and hospitals; and

Whereas, one fundamental reason for conducting the decennial census of the United States is to determine the number of members of the House of Representatives each of the fifty states is entitled to have; and

Whereas, in order to facilitate the vital accuracy of the apportionment and fund distribution processes, all appropriate measures should be taken to encourage the participation of each and every citizen in the United States Census; therefore, no citizen should be unfairly penalized by being asked to complete a long form containing intrusive questions that may discourage their participation and negatively impact the accuracy of census results. Therefore be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take all appropriate action to eliminate unnecessarily intrusive questions on the census form in order to ensure maximum participation and accuracy of the United States census. Be it further

*Resolved*, That the Legislature of Louisiana does urge and request Louisiana citizens to complete and return their census forms as soon as possible in order to assure that Lou-

isiana citizens will benefit from public and private sector services and equal representation which are dependent upon an accurate census. Be it further

*Resolved*, That suitable copies of this Resolution be transmitted to the president of the United States Senate, the speaker of the United States House of Representatives, and each member of Louisiana's congressional delegation.

POM-475. A resolution adopted by the Assembly of the Legislature of the State of New York relative to the Low-Income Home Energy Assistance Program; to the Committee on Appropriations.

#### RESOLUTION

Whereas, this Assembled Body is exceedingly concerned about the continuing increase in the price of petroleum and home heating fuels; and

Whereas, about three million of New York State's 6.8 million households use home heating oil; and

Whereas, since February 10, 2000, fuel prices have continued to climb, by more than 80 percent compared to last year, causing significant hardship for low-income families throughout the country; and

Whereas, home heating oil prices exceed two dollars per gallon in some areas of New York State; and

Whereas, while such steep increases affect all consumers, the health and safety of low- and moderate-income consumers, working families, the elderly, and people on fixed incomes are being jeopardized; and

Whereas, some of New York's citizens are being forced to decide whether to heat their homes or purchase other basic necessities, such as prescription drugs; and

Whereas, the Federal Government has asked state governments to inform eligible families about the availability of Low-income Home Energy Assistance; and

Whereas, the Federal Government has released a total of \$295 million of additional Low-income Home energy Assistance on an emergency basis during severe weather and unusually high energy prices; and

Whereas, the release of \$295 million of Low-income Home Energy Assistance by the Federal Government comprises all funds currently available under the program; and

Whereas, New York State has received an additional \$73,629,760 of Low-income Home Energy Assistance from the Federal Government; and

Whereas, President William J. Clinton has sent to the United States Congress an emergency supplemental request for \$600 million to provide additional funds for the Low-income Home Energy Assistance Program through the end of this fiscal year; now, therefore, be it

*Resolved*, That this Legislative Body pause in its deliberations to urge the United States Congress to grant the President's emergency supplemental request for \$600 million to provide additional funds for the Low-income Home Energy Assistance Program through the end of this fiscal year; and be it further

*Resolved*, That copies of this Resolution, suitably engrossed, be transmitted to the Speaker of the House of Representatives, the President Pro Tempore of the United States Senate, and to each member of the New York State Congressional Delegation.

POM-476. A resolution adopted by the Assembly of the Legislature of the State of New York relative to the cost of heating fuel; to the Committee on Energy and Natural Resources.

#### RESOLUTION

Whereas, this Assembled Body is exceedingly concerned about recent, dramatic increases in the price of petroleum and home heating fuels; and

Whereas, about three million of New York State's 6.8 million households use home heating oil; and

Whereas, the cost of home heating oil began rising even before the arrival of the current arctic temperature spell being experienced in New York State and across the northeast; and

Whereas, daily increases of as much as 30 cents per gallon have occurred; and

Whereas, while such steep increases affect all consumers, the health and safety of low and moderate income consumers, working families, the elderly and people on fixed incomes are being jeopardized; and

Whereas, the current price of home heating oil is the highest recorded in New York States since the Gulf War in 1991; and

Whereas, some of New York's citizens are being forced to decide whether to heat their homes or purchase other basic necessities, such as prescription drugs; and

Whereas, spot shortages of kerosene have occurred, exacerbating an already serious problem; gasoline prices have begun to rise as well; and

Whereas, the cost of diesel fuel has also risen; a 70 cent increase has brought the cost of diesel fuel to a high of two dollars per gallon which could force truckers to park their rigs or pass the increase on to consumers through surcharges; and

Whereas, it is clear that not only are extremely high fuel prices seriously affecting individuals, they can have a dramatic negative impact on the economy of our State and nation by increasing energy, production and transportation costs; and

Whereas, the rapid and extreme increase in home heating oil and other fuel prices cannot be attributed solely to OPEC's control of the quantity and cost of crude oil, currently approaching 30 dollars per barrel, almost three times the price of crude oil one year ago, or by the federal government's failure to release an emergency supply of crude oil from the Strategic Petroleum Reserve; not, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the President and the United States Congress to investigate the causes of the rising cost of petroleum and related fuels and to enact measures to alleviate the burden such steep increases place on low and moderate income consumers, on working families, and on the elderly and people on fixed incomes; and be it further

Resolved, That copies of this Resolution, suitably engrossed be transmitted to President William J. Clinton, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, and to each member of the New York States Congressional Delegation.

POM-4777. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the "Vietnam Veterans Recognition Act of 1999"; to the Committee on Energy and Natural Resources.

#### SENATE JOINT RESOLUTION No. 266

Whereas, H.R. 3293 and S1921, known as the "Vietnam Veterans Recognition Act of 1999," are jointly designed to honor those veterans of the Vietnam War who died after their service in Vietnam, but as a direct result of that service; and

Whereas, war wounds do not always kill immediately, and frequently such wounds linger on for many years after the fighting is done; and

Whereas, those who suffer such wounds, like their brothers and sisters who died on the battlefield, made the ultimate sacrifice for their country and deserve to be duly recognized and honored; and

Whereas, most veterans who died later as a result of their service in the Vietnam War do not qualify for inclusion on the current Vietnam Veterans Memorial in Washington, D.C.; and

Whereas, H.R. 3293 and S1921 both authorize a separate plaque within the Vietnam Veterans Memorial containing an inscription to honor Vietnam Veterans who died after their service in Vietnam, but as a direct result of that service, and whose names are not otherwise eligible for placement on the Vietnam Veterans Memorial wall; and

Whereas, the memorial plaque would be designed and constructed without the use of public funds; and

Whereas, this separate memorial, popularly known as the "In Memory" plaque, has been endorsed by a wide variety of veterans' organizations, including the Vietnam Veterans of America, AMVETS, the American Legion, the Society of the 173d Airborne Brigade, the National Conference of Viet Nam Veteran Ministers, the Veterans of Foreign Wars, and the National Congress of American Indians; now, therefore, be it

*Resolved by the Senate, the House of Delegates concurring,* That the General Assembly hereby urge the Congress of the United States to pass H.R. 3293 and S1921, known as the "Vietnam Veterans Recognition Act of 1999," which authorize the Vietnam War "In Memory" memorial plaque; and, be it

*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia.

POM-478. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to enhancing the benefits for individuals eligible for NAFTA transitional adjustment assistance; to the Committee on Finance.

#### SENATE JOINT RESOLUTION No. 97

Whereas, ratification of the NAFTA treaty was a congressional policy decision which could benefit the continent as a whole; and

Whereas, one of the effects of NAFTA has been to set the United States and other countries on the road to economic globalization; and

Whereas, professional economists continue to analyze and to debate the efficacy of economic globalization; and

Whereas, however, professional economists and most policy makers are not directly or dramatically affected by economic globalization; and

Whereas, although the United States continues to experience economic prosperity, pockets of the United States and Virginia have not benefited from the financial boom; and

Whereas, when plants close because of outsourcing of labor costs to other countries, the people who lose their jobs are not likely to feel sympathy for the benefits of a global economy to the rest of the country or the Commonwealth; and

Whereas, these displaced workers are frequently entitled to elect such benefits as the 18-month COBRA extension of health care insurance coverage; and

Whereas, the costs of the COBRA extension are often beyond the means of unemployed individuals with families; and

Whereas, those individuals who lose their jobs because of the effects of NAFTA and globalization are tax-paying and responsible citizens who, through no fault of their own, must face an uncertain future in the new millennium that may include retraining, the

search for new employment, and inadequate access to health care; now, therefore, be it

*Resolved by the Senate, the House of Delegates concurring,* That the Congress be urged to enhance the benefits for individuals eligible for NAFTA transitional adjustment assistance by providing expanded and short-term eligibility for medical assistance services to such individuals and their families; and be it

*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-479. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to quality care for active duty and retired military personnel and their families; to the Committee on Armed Services.

#### SENATE JOINT RESOLUTION No. 125

Whereas, thousands of dedicated men and women comprise the armed forces of the United States, the greatest military force in the world; and

Whereas, these men and women make great personal sacrifices to lend their gifts, talents, and time to protect the people of this nation, and to aid others around the world who are threatened by the malevolent acts of despots and their regimes, and natural acts of destruction; and

Whereas, World War II and Korean War military retirees and their families constitute a significant part of the aging population in the United States; and

Whereas, active duty and military retirees were guaranteed free, quality, lifetime medical benefits for themselves and their immediate families upon their retirement for serving our country honorably for 20 or more years; and

Whereas, prior to the age of 65, military retirees and their families were provided health care services at military medical facilities; or through other United States Department of Defense programs; however, upon reaching the age of 65, they lost a significant portion of health care coverage to which they were entitled through federal legislation that eliminated such medical benefits in 1995; and

Whereas, many military retirees and their families live on a fixed income and cannot obtain quality health care and pharmaceuticals or afford to pay for these services out-of-pocket; and

Whereas, the federal government has closed 58 military hospitals and has downgraded 26 military hospitals to clinics, and the Department of Defense has proposed that an additional 26 military hospitals be closed; and

Whereas, many active duty and military retirees and their families are unable to access military treatment facilities because such facilities no longer exist or have been downsized to the extent that space for health care services has become nonexistent; and

Whereas, our very freedom, and the rights and comforts that we all enjoy and many take for granted in the free world, were bought with the tremendous sacrifice of families, personal freedom, limbs, minds, and the lives of brave, patriotic, and honorable men and women; and

Whereas, these honorable men and women, who have sacrificed in the service of their country, and their immediate families are deserving of the health care that they were guaranteed; now, therefore, be it

*Resolved by the Senate, the House of Delegates concurring,* That the Congress be urged

to restore quality health care to active duty and retired military personnel and their families. Acknowledgment of the great sacrifices made by these persons in the defense of our safety and freedom would be best demonstrated by honoring the pledge made to them by fully restoring their right to free, quality, lifetime health care; and, be it

*Resolved further*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States; the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-480. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to an increase in funding for Historically Black Colleges and Universities and financial aid for middle income students; to the Committee on Appropriations.

#### SENATE JOINT RESOLUTION NO. 222

Whereas, Historically Black Colleges and Universities (HBCUs) have been in existence for more than 150 years, arising at a time in America's history when the education of African-Americans and whites was separate and unequal; and

Whereas, these colleges have been the firm foundation that have provided the crucial means for the educational and economic advancement of African-Americans; and

Whereas, Historically Black Colleges and Universities, dedicated to equality and excellence in higher education, embody many of our most deeply cherished values—equality, diversity, opportunity, and hard work; and

Whereas, by serving the African-American community, HBCUs serve all Americans by preparing gifted young men and women to succeed in every sector of society, by helping persons from low-income communities—African-American and white—to realize their dreams and life goals; and

Whereas, by producing alumni who are great scientists and mathematicians, gifted and talented musicians and artisans, superb athletes and sportsmen, outstanding statesmen and orators, skilled military leaders, and other noteworthy individuals whose immeasurable contributions have benefited mankind; and

Whereas, although colleges and universities associated with other racial and ethnic groups have an equally long and glorious history, and an even brighter future as a result of the many men and women alumni who are recognized leaders in the community and have the wealth to establish endowments and donate substantial financial awards to their institutions; and

Whereas, a growing number of African-American college graduates have been blessed to achieve social, political, and economic status, the vast number of alumni of Historically Black Colleges and Universities have not had the same opportunity as persons in the majority culture to establish social and business connections and amass fortunes that would enable them to support their alma maters; and

Whereas, the majority of African-Americans with bachelor's degrees in engineering, computer science, life science, business, and mathematics have graduated from one of the 105 Historically Black Colleges and Universities and according to the United States Department of Education's National Center for Education Statistics, historically Black colleges and universities offered 28 percent of all bachelor's degrees awarded to African-American graduates in 1996, although enrollment at HBCUs constituted only 16 percent

of all African-American college students; and

Whereas, although our society has evolved and minority persons may attend traditionally white institutions, there is still a need for HBCUs, as they provide a learning environment where teacher expectations are high, personal dreams and aspirations are nurtured, the campus climate is tolerant of differences, and the ambiance is respectful of Black history and culture; and

Whereas, with an illustrious past and a hopeful present, without increased support and financial assistance, HBCUs and the many African-Americans, low-income and middle-income persons that they serve, the challenge to be competitive in the 21st century will become an insurmountable hurdle; and

Whereas, the federal government has provided funding and other support services to HBCUs and their students through many programs and services, as well as financial aid, substantial increases in the level of federal funding is desperately needed to sustain and expand the educational programs and services given the escalating costs of higher education; now, therefore, be it

*Resolved by the Senate*, the House of Delegates concurring, That the Congress of the United States be urged to increase funding for Historically Black Colleges and Universities (HBCUs) and financial aid for middle income students; and, be it

*Resolved further*, That the Clerk of the Senate shall transmit copies of this resolution to the President of the United States, the Speaker of the House of Representatives, the President of the Senate, and the members of the Congressional Delegation of Virginia so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-481. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the Trade Act of 1974; to the Committee on Finance.

#### SENATE JOINT RESOLUTION NO. 98

Whereas, the Trade Act of 1974 established a statutory framework for providing transitional adjustment assistance to employees displaced due to increased importation of competitive products; and

Whereas, the adoption by Congress of the North American Free Trade Agreement (NAFTA) included the establishment of a transitional adjustment assistance program in the event that imports of competitive goods from Canada or Mexico are an important contribution to workers' separation; and

Whereas, since the adoption of NAFTA, the number of imports from Canada and Mexico of products directly competitive with products manufactured in the United States has increased; and

Whereas, many manufacturing plants in the United States have displaced workers or closed entirely due to increased competition from imported products; and

Whereas, American workers have been struggling to find similar employment and need retraining services to be qualified for other types of employment; and

Whereas, the current length of time for retraining benefits under the Trade Act is inadequate for most Americans to complete retraining programs; now, therefore, be it

*Resolved by the Senate*, the House of Delegates concurring, That the General Assembly of Virginia memorialize the Congress of the United States to amend that portion of the Trade Act of 1974 establishing the North American Free Trade Agreement Transitional Adjustment Assistance Program to extend the maximum time period for receipt of benefits from 52 weeks to 78 weeks; and be it

*Resolved further*, That the General Assembly of Virginia most fervently urge and encourage each state legislative body of the United States of America to enact this resolution, or one similar in context and form, as a show of solidarity in petitioning the federal government for greater benefits to workers displaced due to the adoption of NAFTA; and, be it

*Resolved finally*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the Secretary of the United States Department of Labor, the Speaker of the United States House of Representatives, the President of the United States Senate, each member of the Congressional Delegation of Virginia, and to the presiding officer of each house of each state legislative body in the United States of America.

POM-482. A resolution adopted by the Senate of the State of New Hampshire relative to heating oil prices and the Federal Weatherization Program; to the Committee on Energy and Natural Resources.

#### SENATE RESOLUTION 14

Whereas, prices for home heating oil, kerosene, and diesel fuel spiked dramatically this winter in New Hampshire and reached record highs in our state and throughout the Northeast; and

Whereas, heating oil prices in the state rose to prices which were well over \$1 per gallon higher than last winter's fuel prices; and

Whereas, kerosene prices in the state rose to well over \$2 per gallon; and

Whereas, gasoline prices have skyrocketed, and threaten to reach or exceed \$2 per gallon in the coming season; and

Whereas, households across the state struggle to pay their necessary heating and transportation fuel costs; and

Whereas, New Hampshire citizens remain vulnerable to future fuel price volatility; and

Whereas, tight fuel supplies and very low supplier inventories exacerbated the price volatility problem; and

Whereas, sustained below freezing temperatures this past winter and during typical New Hampshire winters make this situation of particular concern as a health and safety issue for our citizens; and

Whereas, 75 percent of all home heating oil used in the United States is used in New England during 12 weeks of winter; and

Whereas, the federally-funded Low Income Weatherization Program last year provided approximately \$870,000 to New Hampshire to enable cost-effective energy conservation investments for the neediest households to reduce their energy consumption and heating bills; and

Whereas, the Weatherization Program is one of the most effective means of reducing low income homeowners' reliance on imported heating fuels, and resultant energy cost burdens, while also advancing health and safety goals; and

Whereas, the federal State Energy Program enables states like New Hampshire to target all sectors of the economy—including schools, municipalities, business, industry, state facilities, non-profits, and the residential sector—with energy saving and renewable energy initiatives, education, and creative solutions to energy problems, and further permits the state to monitor and track key trends in fuel prices and supplies so as to foster emergency preparedness; and

Whereas, the federal Low Income Home Energy Assistance Program (LIHEAP) afforded New Hampshire over \$17 million this year (\$8.5 million base grant plus \$9.1 million

in emergency funds) for income eligible households to pay essential heating costs, thereby averting hardship and crisis for thousands of elderly, disabled, and families with young children: Now, therefore, be it

*Resolved by the Senate:*

That the senate hereby urges the United States Department of Energy to take all available measures to assure adequate inventory levels in the Northeast, including re-examination of regional heating oil reserve options, as well as minimum wholesale inventory requirements; and

That the senate hereby urges Congress to repeal the new 25 percent Weatherization Program match requirement scheduled to go into effect in 2001, which would place states like New Hampshire at potential risk of loss of all federal funding to this valuable program; and

That the senate hereby urges the White House to maintain pressure on OPEC to agree to increase production levels when they meet on March 27, 2000, to increase petroleum product supplies available throughout the region in order to reduce prices; and

That the senate hereby urges Congress to support increase funding for much-needed federal programs, at proposed national levels of \$1.4 billion for LIHEAP, \$175 million for the Weatherization Program, and \$44 million for the State Energy Program, so that states can best assist residents and businesses to decrease their fuel consumption and afford essential heating costs; and

That the senate clerk transmit copies of this resolution to the President of the United States, the Vice-President of the United States, the Secretary of the Department of Energy, the Speaker of the U.S. House of Representatives, and the members of the New Hampshire congressional delegation.

POM-483. A joint resolution adopted by the General Assembly of the State of Tennessee relative to increasing the number and specificity of ethnicity categories used for reporting of educational data; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE JOINT RESOLUTION NO. 71

*Be it resolved by the Senate of the one hundred first general assembly of the State of Tennessee, the House of Representatives concurring,* That this General Assembly hereby memorializes the United States Congress to study the need to increase the number of specificity of ethnicity categories used for the reporting of educational data.

*Be it further resolved,* That an enrolled copy of this resolution be transmitted to the President and the Secretary of the U.S. Senate, the Speaker and the Clerk of the U.S. House of Representatives and to each member of Tennessee's Congressional Delegation.

POM-484. A resolution adopted by the Senate of the Commonwealth of Pennsylvania relative to the oxygenate content requirements in the Clear Air Act; to the Committee on Environment and Public Works.

#### SENATE RESOLUTION NO. 142

Whereas, The 1990 amendments to the Clear Air Act mandated the addition of oxygenates in reformulated gasoline at a minimum of 2% of content by weight to reduce the concentration of various types of air contaminants, including ozone and carbon monoxide, in regions of the country exceeding National Air Quality Standards; and

Whereas, Methyl tertiary-butyl ether (MTBE), the most commonly used gasoline oxygenate in the United States, is being detected with increasing frequency in surface and groundwater supplies and public and private water supply wells throughout the United States and Pennsylvania due to leak-

ing underground petroleum storage tanks, spills and other accidental discharges; and

Whereas, Because MTBE is highly soluble in water, spills and leaks involving MTBE-laden gasoline are considerably more expensive and difficult to remediate than those involving conventional gasoline, and current wellhead techniques for treating gasoline-tainted water, such as air sparging and carbon filtration, are less effective in treating water contaminated by the MTBE-laden gasoline, resulting in increased treatment costs to water suppliers; and

Whereas, Several studies, including the May 1999 study on "The Ozone-Forming Potential of Reformulated Gasoline" by the National Research Council, have found that gasoline oxygenates contribute little to reducing ozone pollution and that the air quality benefits of oxygenates in reformulated gasoline are restricted to cars manufactured prior to 1989 and therefore are diminishing as older model vehicles are phased out; and

Whereas, A Blue Ribbon Panel of the United States Environmental Protection Agency recently called for the elimination of the Federal oxygenate requirement and for the reduction of the use of MTBE in gasoline because of the public health concerns associated with MTBE in water supplies; and

Whereas, The prescriptive requirements in the Clean Air Act Amendments for oxygenate content restrict the Commonwealth's ability to address groundwater contamination and air quality issues; therefore be it

*Resolved,* That the Senate of the Commonwealth of Pennsylvania urge the President and Congress of the United States to repeal the oxygenate content requirements in the Clean Air Act, and to encourage reliance instead upon clean-burning, nonoxygenate fuel formulations that meet the air quality standards established in the Clean Air Act and provide reductions of ozone and airborne toxic pollutants equivalent to or greater than gasoline oxygenates; 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-485. A resolution adopted by the Township of Dennis, County of Cape May, New Jersey relative to the use of the Mud Dump site as a disposal area for contaminated dredge materials in the Atlantic Ocean; to the Committee on Environment and Public Works.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. WARNER (for himself, Mr. LOTT, Mr. THURMOND, Mr. INHOFE, Ms. SNOWE, Mr. ALLARD, Mr. HUTCHINSON, Mr. CRAIG, Mr. GREGG, Mr. BOND, Mrs. HUTCHISON, Mr. CRAPO, Mr. HELMS, Mr. DASCHLE, Mr. LEVIN, Mr. KENNEDY, Mr. LIEBERMAN, Mr. INOUE, Mr. MACK, Mr. REED, Mr. CLELAND, Mr. KERRY, Mr. ROBERTS, and Mr. SANTORUM):

S. 2486. A bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes; to the Committee on Armed Services.

By Mr. MCCAIN (for himself and Mr. INOUE):

S. 2487. A bill to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

By Mr. GREGG:

S. 2488. A bill to suspend temporarily the duty on certain ion-exchange resin; to the Committee on Finance.

By Mr. GREGG:

S. 2489. A bill to suspend temporarily the duty on certain ion-exchange resin; to the Committee on Finance.

By Mr. GREGG:

S. 2490. A bill to suspend temporarily the duty on certain ion-exchange resin; to the Committee on Finance.

By Mr. COCHRAN:

S. 2491. A bill to authorize the Librarian of Congress to establish certain programs and activities of the Library of Congress as programs to be administered through a revolving fund, and for other purposes; to the Committee on Rules and Administration.

By Mr. DOMENICI:

S. 2492. A bill to expand and enhance United States efforts in the Russian nuclear complex to expedite the containment of nuclear expertise that presents a proliferation threat, and for other purposes; to the Committee on Armed Services.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. THURMOND:

S. Res. 301. A resolution designating August 16, 2000, as "National Airborne Day"; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself, Mr. LOTT, Mr. THURMOND, Mr. INHOFE, Ms. SNOWE, Mr. ALLARD, Mr. HUTCHINSON, Mr. CRAIG, Mr. GREGG, Mr. BOND, Mrs. HUTCHISON, Mr. CRAPO, Mr. HELMS, Mr. DASCHLE, Mr. LEVIN, Mr. KENNEDY, Mr. LIEBERMAN, Mr. INOUE, Mr. MACK, Mr. REED, Mr. CLELAND, and Mr. KERRY):

S. 2486. A bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes; to the Committee on Armed Services.

#### MILITARY HEALTH CARE IMPROVEMENTS ACT OF 2000

Mr. WARNER. Mr. President, I rise today to introduce an enhanced piece of legislation the Military Medical Improvement Act of 2000. This revised legislative initiative incorporates the major concerns of beneficiaries I heard pertaining to the original legislation.

S. 2087, the Military Health Care Improvement Act of 2000 that I introduced on February 23, 2000, contains a provision authorizing a mail order pharmacy benefit for military retirees, dependents and survivors over age 64. Since S. 2087 was introduced, the Personnel Subcommittee of the Senate