

and Records Management, Federal Communications Commission, transmitting, pursuant to law, twelve rules; to the Committee on Commerce, Science, and Transportation.

EC-3246. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of the clean water needs survey; to the Committee on Environment and Public Works.

EC-3247. A communication from the Inspector General of the Department of Defense, transmitting, pursuant to law, the report of the audit of Department of Defense Superfund financial transactions for fiscal year 1997; to the Committee on Environment and Public Works.

EC-3248. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Successful Telecommuting Programs in the Public and Private Sectors"; to the Committee on Environment and Public Works.

EC-3249. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Implementation of the National Intelligent Transportation System Program"; to the Committee on Environment and Public Works.

EC-3250. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on October 7, 1997; to the Committee on Environment and Public Works.

EC-3251. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1997 through 2002; to the Committee on Environment and Public Works.

EC-3252. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on October 14, 1997; to the Committee on Environment and Public Works.

EC-3253. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on October 14, 1997; to the Committee on Environment and Public Works.

EC-3254. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on October 15, 1997; to the Committee on Environment and Public Works.

EC-3255. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on October 15, 1997; to the Committee on Environment and Public Works.

EC-3256. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report on the benefits and costs of the Clean Air Act from 1970 to 1990; to the Committee on Environment and Public Works.

EC-3257. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on September 30, 1997; to the Committee on Environment and Public Works.

EC-3258. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on October 1, 1997; to the Committee on Environment and Public Works.

EC-3259. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection

Agency, transmitting, pursuant to law, a rule received on October 2, 1997; to the Committee on Environment and Public Works.

EC-3260. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, five rules received on October 2, 1997; to the Committee on Environment and Public Works.

EC-3261. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, seven rules received on October 9, 1997; to the Committee on Environment and Public Works.

EC-3262. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, ten rules received on October 16, 1997; to the Committee on Environment and Public Works.

EC-3263. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a notice relative to the strategic plan; to the Committee on Environment and Public Works.

EC-3264. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a river bank erosion control and bluff stabilization project; to the Committee on Environment and Public Works.

EC-3265. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a storm damage reduction and shoreline protection project; to the Committee on Environment and Public Works.

EC-3266. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a storm damage reduction project; to the Committee on Environment and Public Works.

EC-3267. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction and agricultural water supply project; to the Committee on Environment and Public Works.

EC-3268. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to navigation improvements for Boston Harbor, Massachusetts; to the Committee on Environment and Public Works.

EC-3269. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction project; to the Committee on Environment and Public Works.

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-242. A resolution adopted by the Council of the City of South Dayton, Florida relative to the Intermodal Surface Transportation Efficiency Act; to the Committee on Environment and Public Works.

POM-243. A resolution adopted by the Board of Commissioners of the Borough of Allenhurst, New Jersey relative to the proposed "Ocean Celebration Day"; to the Committee on Environment and Public Works.

POM-244. A resolution adopted by the Council of the City of Plantation, Florida relative to the Intermodal Surface Transpor-

tation Efficiency Act; to the Committee on Environment and Public Works.

POM-245. A resolution adopted by the National Association of State Treasurers relative to the automated standard application for payments system; to the Committee on Governmental Affairs.

POM-246. A resolution adopted by the Junior Order United American Mechanics relative to illegal aliens; to the Committee on the Judiciary.

POM-247. A resolution adopted by the Junior Order United American Mechanics relative to the American Flag; to the Committee on the Judiciary.

POM-248. A resolution adopted by the Junior Order United American Mechanics relative to prayer and Bible in public schools; to the Committee on the Judiciary.

POM-249. A resolution adopted by the Junior Order United American Mechanics relative to American security and sovereignty; to the Committee on the Judiciary.

POM-250. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs.

ASSEMBLY JOINT RESOLUTION NO. 5

Whereas, The debate surrounding the impacts of chemical weapon agents and the Gulf War Syndrome are both overdue and have not been far-reaching enough; and

Whereas, The White House, Congress, and the Department of Defense struggle to understand the enigmatic illnesses troubling our Gulf War veterans; and

Whereas, The basic question of whether the illnesses experienced by troops serving in the Gulf War were the result of some specific and unusual exposure related to that service has not been answered conclusively; and

Whereas, The Department of Defense has confirmed that American forces had been in the presence of Iraqi chemical munitions at Khamisiyah, a weapons storage site destroyed by American forces at the end of the war, and that exposure was possible; and

Whereas, The Department of Defense, in cooperation with the CIA and other agencies, are conducting extensive investigations, reaching out to more than 20,000 service personnel who may have been in the vicinity of Khamisiyah at the time of the possible release of chemical agents; and

Whereas, The Department of Defense has committed to continue efforts to investigate this incident, and any similar incidents that are identified, and spare no resource in this effort; and

Whereas, The Pentagon is seeking proposals on studies focusing on the impact of low-level exposure to chemical weapons and has earmarked \$10 million for the study; and

Whereas, The Presidential Advisory Committee on Gulf War Veterans Illnesses established by President Clinton on May 26, 1995, has released its final report calling for continued and extensive investigation and study of this issue; and

Whereas, Nobel Prize winning geneticist, Dr. Joshua Lederberg, may revise the findings of his investigation into veterans' claims regarding Gulf War Syndrome, because of new information; and

Whereas, The Pentagon and Congress of the United States are attempting to limit research to approximately two years to identify problems in connection with Gulf War Syndrome; and

Whereas, The California Legislature finds this action unacceptable and therefore supports continued research to address this extremely serious problem: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress to

continue efforts to ensure that veterans of the Gulf War are appropriately cared for, to do everything possible to understand and explain Gulf War illnesses, to put into place those military doctrines, personnel, and medical policies, procedures, and equipment that will minimize any future problems from exposure to biological or chemical agents or other environmental hazards, and to use all means necessary to ensure that Gulf War veterans who placed themselves in harms way on behalf of all Americans are provided the assistance, support, and care they deserve; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-251. A concurrent resolution adopted by the Legislature of the State of Ohio; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 13

Be it resolved by the House of Representatives of the State of Ohio (the Senate concurring):

Whereas, Self-employed and other recalled reservists, including many of our farmers, doctors, and small-business people, served with great distinction during Operation Desert Storm; and

Whereas, Those reservists contributed to the readiness, preparedness, and combat capability of the coalition forces that participated in Operation Desert Storm; and

Whereas, Often those reservists have found themselves in dire financial straits resulting from their absence from their businesses, professions, or occupations for this active duty service; and

Whereas, Some of those reservists' families and businesses suffered financial damage as serious as that caused by a hurricane or other natural disaster: Now, therefore be it

Resolved, That the General Assembly of the State of Ohio urges the Congress of the United States to identify existing sources of financial relief for the financially damaged families and businesses of self-employed and other recalled reservists; and be it further

Resolved, That the General Assembly urges Congress to pass legislation in accordance with other disaster loan criteria to provide long-term, low-interest loans to self-employed and other recalled reservists; and be it further

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

POM-252. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Labor and Human Resources.

HOUSE JOINT RESOLUTION NO. 31

Be it resolved by the Legislature of the State of Alaska:

Whereas improving patient access to quality health care is paramount national goal; and

Whereas the key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products, and medical devices; and

Whereas minimizing the delay between discovery and eventual approval of a new drug, biological product, or medical device derived from research conducted by innovative phar-

maceutical and biotechnology companies could improve the lives of millions of United States citizens; and

Whereas current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals, and patients and unfairly limit the right of free speech guaranteed by the First Amendment to the Constitution of the United States; and

Whereas the current rules and practices governing the review of new drugs, biological products, and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive: Be it

Resolved, That the Alaska State Legislature respectfully urges the Congress of the United States to address the important issues described above by enacting comprehensive legislation to amend the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301-395) to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness.

Copies of this resolution, property certified, shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice President of the United States and President of the U.S. Senate; to the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM-253. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Labor and Human Resources.

SENATE CONCURRENT RESOLUTION NO. 158

Whereas, a settlement agreement based on a law suit originally filed by six states, including Louisiana, has been reached which would provide three hundred fifty-eight billion dollars over the next twenty-five years payable to all the fifty states and which would provide for stringent regulations by the United States Food and Drug Administration to regulate the tobacco industry has been reached; and

Whereas, Louisiana, as one of the leaders in the litigation and among one of the first to join with other states to aggressively pursue litigation against the tobacco industry, unfortunately also has one of the highest incidence of deaths attributable to smoking and the use of tobacco products in the nation, thus an expeditious approval of the agreement and disbursement of much needed moneys to the state is respectfully requested: Therefore, be it,

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to act promptly and approve this historic settlement agreement with the tobacco industry and enact legislation to authorize the United States Food and Drug Administration to promulgate necessary regulations to protect children from tobacco marketing and access; and be it further

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

POM-254. A resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 30

Be it Resolved by the Legislature of the State of Alaska:

Whereas the State of Alaska is within the jurisdiction of the United States Court of Appeals for the Ninth Circuit; and

Whereas the Court of Appeals for the Ninth Circuit consists of the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington and the federal territories, possessions, and protectorates in the Pacific; and

Whereas United States Senators Stevens and Murkowski of Alaska, Senators Craig and Kempthorne of Idaho, Senator Smith of Oregon, Senator Burns of Montana, and Senator Gorton of Washington have introduced S. 431, a bill that would amend Title 28 of the United States Code to divide the Court of Appeals for the Ninth Circuit into two circuits, and that has the short title of the "Ninth Circuit Court of Appeals Reorganization Act of 1997"; and

Whereas S. 431 proposes to remove the states of Alaska, Idaho, Montana, Oregon, and Washington from the Court of Appeals for the Ninth Circuit and place them in a new Court of Appeals for the Twelfth Circuit to be headquartered in Portland, Oregon and Seattle, Washington; and

Whereas S. 431 would make each circuit judge of the Court of Appeals for the Ninth Circuit whose duty station is in Alaska, Idaho, Montana, Oregon, or Washington a circuit judge of the new Court of Appeals for the Twelfth Circuit; and

Whereas the membership of the Court of Appeals for the Ninth Circuit is heavily weighted toward the State of California and the court seems to concern itself predominantly with issues arising out of California and the southwestern United States; and

Whereas the Court of Appeals for the Ninth Circuit's case filings in 1995 were greater than any other federal circuit and in 1996 were the second greatest; and

Whereas the Court of Appeals for the Ninth Circuit serves a population of more than 45,000,000 people, well over one-third more than any other federal circuit; and

Whereas members of the Court of Appeals for the Ninth Circuit have shown a surprising lack of understanding of Alaska's people and geography that has resulted in decisions that have often caused the people of Alaska unnecessary hardship; and

Whereas, in the so-called "Katie John" subsistence case, which is of tremendous importance to the people of the State of Alaska, even though the Court of Appeals for the Ninth circuit granted expedited consideration of that case, the court did not issue its decision for over 13 months; and

Whereas Attorney General Bruce Botelho estimates that there are more than 200 Alaska cases currently pending before the Court of Appeals for the Ninth Circuit; and

Whereas the Attorneys General of the States of Idaho, Montana, Oregon, and Washington have also found previously that similar issues of unnecessary delay concerning, lack of understanding of, and lack of consideration for cases and issues by the Court of Appeals for the Ninth circuit exist in regard to those states; and

Whereas the Attorneys General of the States of Alaska, Idaho, Montana, Oregon, and Washington endorsed S. 965, introduced in the previous Congress to create a new Twelfth Circuit Court of appeals and the forerunner to S. 431; and

Whereas the creation of a new Court of Appeals for the Twelfth Circuit encompassing the States of Alaska, Idaho, Montana, Oregon, and Washington by S. 431 would benefit these similar states by providing speedier and more consistent rulings by jurists who have a greater familiarity with the social, geographical, political, and economic life of the region: Be it

Resolved, That the Alaska State Legislature supports creation of a new Court of Appeals for the Twelfth Circuit for the States

of Alaska, Idaho, Montana, Oregon, and Washington headquartered in the Pacific Northwest; and respectfully requests the United States Congress to act in an expeditious manner.

Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Dick Army, Majority Leader of the U.S. House of Representatives; the Honorable Thomas Daschle, Minority Leader of the U.S. Senate; the Honorable Richard A. Gephardt, Minority Leader of the U.S. House of Representatives; the Honorable Orrin G. Hatch, Chair of the U.S. Senate Committee on the Judiciary; the Honorable Henry J. Hyde, Chair of the U.S. House Committee on the Judiciary; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM-255. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

ASSEMBLY CONCURRENT RESOLUTION NO. 36

Whereas, the American Medical Association has stated that a "woman is raped every 46 seconds in the United States" and that sexual assault is a "silent epidemic"; and

Whereas, women, children, and men are all victims of sexual assault and it is estimated that one in three women, one in four girls, one in six boys, and one in 11 men will be victims at least once in their lifetimes; and

Whereas, women, children, and men suffer multiple types of sexual violence, including, but not limited to, stranger rape, date rape, spousal rape, gang rape, serial rape, trafficking and prostitution, pornography, ritual abuse, sexual harassment, incest, child sexual molestation, and stalking; and

Whereas, women, children, and men should be free from sexual violence in their homes, in the streets, in their workplaces, and in their recreational activities; and

Whereas, the Federal Bureau of Investigation estimates that only one in nine women who are sexually assaulted report the crime; and

Whereas, rape and sexual assault affect women, children, and men of all racial, cultural, and economic backgrounds; and

Whereas, it is not uncommon for women to experience multiple forms of sexual violence in the course of their lifetimes; and

Whereas, emotional and physical scars resulting from sexual violence are often severe and longlasting; and

Whereas, a coalition of rape crisis centers, known as the California Coalition Against Sexual Assault, has emerged to directly confront this crisis with the cooperation of law enforcement agencies, churches, health care providers, and other helping professionals from California's diverse communities; and

Whereas, it is important to recognize the compassion and dedication of the individuals involved in this effort, applaud their commitment, and increase public understanding of this significant problem; and

Whereas, it is important to recognize the strength, courage, and challenges of the victims and survivors of sexual assault and their family and friends as they struggle to cope with the reality of sexual assault; and

Whereas, it is important to recognize that not all victims of sexual assault survive, either at the time of the assault or later, due to the horrific long-term trauma that sexual assault often inflicts upon victims; and

Whereas, there are rape prevention and education efforts underway throughout California to challenge the societal myths and behaviors that perpetuate rape and to engage communities in a common goal of ending sexual assault; and

Whereas, there is a Sexual Assault Awareness Week in October; and

Whereas, that one week has now grown to a full month of recognition and activities promoted by the National Coalition Against Sexual Assault to increase awareness of sexual assault and to create solutions: Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims that, henceforth, the month of April shall be designated as Sexual Assault Awareness Month; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Governor, to the United States Director on Victims of Crime, and to each Senator and Representative from California in the Congress of the United States.

POM-256. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 25

Whereas, the constitution of 1789 gave future generations liberty through the right of speech and assembly, the rights of women to vote, and economic interest protection by the government; and

Whereas, our constitution provides personal security and protection and is the heart of the American system, and seeks to ensure that each person is free from the threat of attack, free of actions by others that diminish life, liberty, health, or property or that prevent the "pursuit of happiness"; and

Whereas, the people of the nation are surrounded by attacks on their personal security, their health and the health of their families, and their rights to enjoy the air, water and resources of the nation; and

Whereas, the dangers of toxic pollutants and contaminants created by others that enter our bodies and homes, and natural environment with an increasing threat to the public health and the nation's natural resources is the challenge to our generation of the kind other generations faced and overcame: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to adopt an amendment to the constitution providing that the right of each citizen to clean and healthful air and water and to the protection of other natural resources of our nation shall not be infringed upon by any person; and be it further

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

POM-257. A resolution adopted by the House of the Legislature of the State of Louisiana; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 120

Whereas, Article III, Section 1 of the Constitution of the United States, provides in part that ". . . The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour. . ."; and

Whereas, this clause has been interpreted to mean that ". . . (a) person appointed to office of United States district judge becomes entitled to draw salary of office so

long as he continues to "hold office", and he "holds office" until he voluntarily relinquishes it or is ousted by impeachment or death." *Johnson v. U.S.*, 79 F. Supp. 208 (1948); and

Whereas, this clause has been further interpreted to mean ". . . Judges of federal "constitutional" courts which have been invested with the judicial power of the United States pursuant to this article are guaranteed life tenure during good behavior and compensation which may not be reduced during their term of office. . . ." *Montanez v. U.S.*, 226 F. Supp. 593(1964). *affirmed* 371 F.2d. 79; and

Whereas, a common complaint that the public makes about federal district judges is that they are not accountable to the people because of this life tenure; and

Whereas, this public complaint continues that these judges, because of their insulation and isolation after a certain length of time in office, lose touch with the problems facing and feelings of the majority of the American people; and

Whereas, state district, appellate, and supreme court justices in Louisiana have specific limited terms of office, as do other inferior federal courts, such as bankruptcy judges whose term is fourteen years; and

Whereas, this constitutional amendment would not give the people the right to vote for a federal judge, but only the right to voice their opinion on whether the appointment of federal district judges should be for a limited term short of life tenure; and

Whereas, the system appears to still maintain an independent judiciary uninfluenced by undue public pressure in the inferior federal courts in which judges are not granted life tenure; and

Whereas, Article V of the Constitution of the United States provides that an amendment to the constitution may be proposed by congress which shall become part of the constitution when ratified by three-fourths of the several states. Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby urge and request the Congress of the United States to propose an amendment to the Constitution of the United States, for submission to the states for ratification, to provide for election of members of the federal judiciary; and be it further

Resolved, That certified copies of this Resolution be transmitted by the secretary of state to the president and the secretary of the United States Senate, to the speaker and clerk of the United States House of Representatives, to each member of this states' delegation to the congress and to the presiding officer of each house of each state legislature in the United States.

POM-258. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Finance.

HOUSE JOINT RESOLUTION 2

Whereas, over 80,000 private individuals and corporations own 87 percent of New Hampshire's forestland; and

Whereas, forest-based business, both timber and recreation, have a profound impact on the economy of the state; and

Whereas, these forests serve as important sources of clean air, clean water, and wildlife habitat; and

Whereas, conservation of these multiple forest values requires long-term stewardship; and

Whereas, long-term forest stewardship is discouraged by federal estate taxes that force heirs to liquidate timber or sell forest land; and

Whereas, long-term forest stewardship is discouraged by federal income taxes that discourage long-term ownership and management: Now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened, That copies of this resolution be sent to the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairpersons of committees of the United States Congress having jurisdiction over estate taxes and capital gains taxes, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

POM-259. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Finance.

RESOLUTION

Whereas, President William J. Clinton has asked Congress to pass a bill called "The Medicare and Medicaid Fraud and Abuse Prevention Act", which would help bar unscrupulous doctors and medical firms from the Government health care programs for the elderly and poor; and

Whereas, among other things, the legislation would let Medicare and Medicaid administrators deny anyone convicted of a felony the right to take part in the programs and require participants to furnish their Social Security numbers so that applicants could be checked for past fraudulent activity; and

Whereas, President Clinton's initiative reflected concern about the extent to which unlicensed doctors and others were bilking taxpayers: Therefore be it

Resolved, That the Massachusetts House of Representatives urges the Congress of the United States to enact legislation called "The Medicare and Medicaid Fraud and Abuse Prevention Act"; and be it further

Resolved, That copies of these resolutions be forwarded by the clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of Congress, and to the members thereof from this Commonwealth.

POM-260. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 160

Whereas, Sections 1814 and 1815 of the Social Security Act state: "With respect to the physician certification . . . for home health services furnished by the individual by a home health agency (other than an agency which is a governmental entity) and with respect to the establishment and review of a plan for such services, the Secretary shall prescribe regulations which shall become effective no later than July 1, 1981, and which prohibit a physician who has a significant ownership in, or a significant financial or contractual relationship with such home health agency from performing such certification and from establishing or reviewing such plan"; and

Whereas, federal regulation 42 CFR 424.22, prepared pursuant to said sections of the Social Security Act and entitled "Requirements for home health services" states: ". . . need for home health services to be provided by an HHA [Home Health Agency] may or may not be certified or recertified, and a plan of treatment may not be established and reviewed by any physician who has a significant ownership interest, or a significant financial or contractual relationship with the HHA"; and

Whereas, 42 CFR 424.22(d)(3) provides that "significant financial interest" means an individual either "receives any compensation as an officer or director of the HHA" or "has direct or indirect business transactions with the HHA that, in any fiscal year amount to

more than \$25,000 or 5 percent of the agency's total expenses, whichever is less. Business transactions means . . . salaried employment."; and

Whereas, a top official of the Health Care Financing Administration issued the "Hoyer letters" stating that hospitals which self-referred for profit to their own home health agencies were in violation of 42 CFR 424.22, but withdrew these letters (Federal Register, November 29, 1996, Vol. 61, No. 231); and

Whereas, it is imperative that a patient be allowed, without coercion or manipulation from hospital discharge staff, the freedom to choose his post-acute provider and that choice must be honored by a hospital and enforced by HCFA; therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to require the Health Care Financing Administration to enforce existing regulations prohibiting the improper downstream of hospital self-referrals from physicians they compensate and to instruct the Health Care Financing Administration to reinstitute the two "Hoyer letters" stating that hospitals are in violation of federal regulations on self-referral when referring to their own home health agencies for profit, 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-261. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 21

Whereas, the Lafourche Basin Levee District is a state agency created by the Louisiana Legislature in 1892; and

Whereas, the Lafourche Basin Levee District is the only levee board in the State of Louisiana that is not participating in the Louisiana State Employees' Retirement System; and

Whereas, the Lafourche Basin Levee District has previously requested that it be allowed to withdraw from participation in the Social Security System so that its employees could participate in the Louisiana State Employees' Retirement System; and

Whereas, the Lafourche Basin Levee District has certified that it will abide by all laws, rules, and regulations of the Louisiana State Employees' Retirement System, will deduct monthly employee contributions and pay employer contributions for all eligible members, and will submit same to the Louisiana State Employees' Retirement System in the prescribed manner: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation to allow the employees of the Lafourche Basin Levee District to opt-out of the Social Security System and to join the Louisiana State Employees' Retirement System, effective January 1, 1998; be it further

Resolved, That the Lafourche Basin Levee District desires to retain the final option of acceptance of the Louisiana State Employees' Retirement System once all conditions and costs have been presented to the district; be it further

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

POM-262. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 35

Whereas, at the current time federal statute prohibits the withholding of income tax by states on the wages due or accruing to a master or a seaman; and

Whereas, federal statute also prohibits the attachment of the wages due or accruing to a master seaman; and

Whereas, the state of Louisiana has thousands of dollars of income taxes annually that are due and not collectible each year as a result of federal statute; and

Whereas, federal statute does not allow for the withholding of income tax by states on the wages due or accruing to individuals in the service of the armed forces: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to allow states to withhold income tax on the wages due or accruing to a master seaman residing in that state; and to allow states to attach the wages due or accruing to a master or seaman residing in that state for the payment of taxes; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officer 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-263. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 170

Whereas, rural health care providers have neither the funds nor the staff to maintain a clinic providing care twenty-four hours a day, seven days a week; and

Whereas, emergencies, life-threatening and not, occur in rural areas twenty-four hours a day, seven days a week; and

Whereas, citizens in rural areas who experience medical emergencies which are not life-threatening outside of clinic hours or on weekends or holidays have no place to seek relief or treatment except in the hospital emergency room; and

Whereas, reimbursement claims for the emergency room treatment of medical emergencies which are not considered life-threatening are being denied by third party payors because the emergencies are not life-threatening; and

Whereas, rural hospitals are not equipped or staffed to handle complex medical situations, such as heart catheterization, cardiac bypass surgery, and organ transplants; and

Whereas, rural hospitals normally stabilize these patients and refer them to larger and more suitably equipped facilities; and

Whereas, expensive medication and procedures are often administered to the patient, frequency over an extensive period of time, before he or she can be stabilized and transferred; and

Whereas, when a Medicare acute care patient is referred to another hospital, reimbursement for the small, rural hospital is limited to the deductible and coinsurance while the larger hospital receives the DRG reimbursement; and

Whereas, this type of discrimination and payment inequity in reimbursing small, rural hospitals places additional financial burden on the smaller facilities: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to enact legislation which would provide for consideration of geographical location and the availability of patient options in the reimbursement of claims for emergencies treated in rural hospital emergency rooms which are necessary but which are not

life-threatening and to enact legislation which would correct the current inequity in reimbursing rural hospitals for costs of stabilizing patients who are to be referred to larger, more suitably equipped facilities; 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-264. A resolution adopted by the House of the Legislature of the State of Louisiana; to the Committee on Finance.

HOUSE RESOLUTION NO. 97

Whereas, in 1987, the loan was retired, yet the temporary surcharge has remained; and

Whereas, the federal Fiscal Year 1998 budget contemplates continuance of the surcharge; and

Whereas, FUTA revenue may only be used for limited purposes, and, presently, the federal unemployment accounts have adequate funds for the foreseeable future: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby memorialize the United States Congress not to renew the temporary two-tenths percent unemployment insurance tax; 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-265. A resolution adopted by the House of the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 99

Whereas, the citizens of parishes that border the Mississippi River are subject to an inordinate amount of noise and pollution, due to the volume of river traffic and commercial operations on and near the river; and

Whereas, this inordinate amount of noise and pollution poses health and safety hazards to the citizens of these parishes; and

Whereas, despite this potential exposure to such hazards, the citizens of these parishes have no authority, discretionary or otherwise, to control or abate the noise and pollution; and

Whereas, the residents of the parishes of St. John the Baptist and St. James and the other parishes bordering the Mississippi River have been plagued with noise and dust pollution arising from ship traffic, mid-stream transfer facilities, and barges on the Mississippi River; and

Whereas, the state and local governing entities should have some authority to control commercial operations on the river, in order to protect the citizens and to provide a safe and healthy work and living environment: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby memorialize the United States Congress to enact legislation to return control of the Mississippi River to state and local governing authorities; be it further

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

POM-266. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 10

Whereas, the federal Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), Title III, P.L. 101-646, 1990, and P.L. 102-212, 1991, 16 U.S.C.A. 777c and 3951-3956, authorizes the granting of funds to coastal states to carry out coastal wetlands conservation projects; and

Whereas, the act is the nation's most extensive wetlands enhancement law and is of vital importance to Louisiana; and

Whereas, since Louisiana possesses approximately forty percent of the coastal wetlands of the lower forty-eight states, and has suffered as much as eighty percent of the nation's annual wetland losses, the state receives the "lion's share" of project funding under the act; and

Whereas, if the current loss rate of wetlands in Louisiana is not slowed, an additional 800,000 acres of wetlands could disappear by the year 2040 and the Louisiana shoreline could advance inland as much as thirty-three miles in some areas; and

Whereas, through CWPPRA and state funding, coastal restoration projects, including barrier island and shoreline restoration, have been undertaken in Louisiana to avert a potential catastrophe and economic and ecological loss to our state and the nation; and

Whereas, the CWPPRA project program is an example of a federal/state partnership that can work in a practical and effective manner to solve a national problem requiring local action, and should therefore be continued; and

Whereas, such continuation should include the dedication of at least twenty percent of total CWPPRA project funding to restoration of Louisiana's barrier shoreline, including but not limited to barrier islands and cheniers; and

Whereas, such continuation should further include the feasibility of streamlining the planning process to eliminate unnecessary duplication of effort and taxpayer expense, and establish a "block grant" program for CWPPRA project funding similar to other block grant programs recently revised or established by congress; and

Whereas, by law CWPPRA project funding is dependent upon the federal aid highway trust fund, as the portion of revenues from such fund attributed to fuel tax receipts from small engine power equipment usage are annually allocated to funding of CWPPRA projects; and

Whereas, the federal aid highway trust fund was last authorized by congress in 1991 in the Intermodal Surface Transportation Efficiency Act (ISTEA), P.L. 102-240; and

Whereas, such act expires in 1997, as does the authority to transfer fuel tax receipts from small engine power equipment usage, and must be reauthorized by congress; and

Whereas, if reauthorization does not occur, CWPPRA project funding will lose its revenue source; and

Whereas, in the reauthorization act, reauthorization is further needed for the gasoline tax, revenues from which go into the highway trust fund; therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to reauthorize laws providing for the federal highway trust fund and continuing funding for Coastal Wetlands Planning, Protection and Restoration Act projects; be it

Further resolved, That the Legislature of Louisiana does hereby request that congress amend the Coastal Wetlands Planning, Protection and Restoration Act or other law as necessary to dedicate at least twenty percent of overall CWPPRA project funding to restoration of Louisiana barrier shoreline,

including but not limited to barrier islands and cheniers; be it

Further resolved, That congress undertake review, study and, if necessary, amendment of the Coastal Wetlands Planning, Protection and Restoration Act or other law in order to streamline the project planning process to eliminate unnecessary duplication of effort, save taxpayer expense, and ensure maximum efficient use of funds; be it

Further resolved, That such review, study and, if necessary, amendment by congress include the feasibility of creating a "block grant" program in the 1999 reauthorization act for CWPPRA funds similar to other block grant programs recently created or revised by congress; 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-267. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 77

Whereas, the highways of the state of Louisiana are necessary, not only to the economic development of the state and the quality of life to its people, but also to the national interest of the United States which is meant to be served by the distribution of federal highway funding; and

Whereas, Louisiana ranked twenty-third in the amount of money contributed to the federal Highway Trust Fund, but ranked only thirty-eighth in the amount of money received from the fund; and

Whereas, many states receive more funds from the trust fund than they contribute and some states receive over two dollars for each dollar contributed, but the state of Louisiana receives only eighty-three cents for each dollar it contributes; and

Whereas, the funding formula used to determine the distribution of federal highway funds, is not only antiquated, but unfair and discriminatory and must be replaced with a new formula that recognizes the vital role Louisiana's transportation system plays in the economic well-being of the nation: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States of America to revise the federal highway formulas to ensure that Louisiana gets its fair share of federal highway funds; and be it further

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

POM-268. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

Whereas, prior to laws prohibiting its use, lead-based paint was used to coat bridges throughout the United States, including the Crescent City Connection in New Orleans; and

Whereas, since the prohibition of use of such paint, the Crescent City Connection has been painted by an encapsulation process which covered the original paint, thereby, preventing its exposure to the environment; and

Whereas, current regulations of the Environmental Protection Agency require the capture and disposal of lead-based paint residue during the repainting process; and

Whereas, these stringent requirements will increase the cost of painting the bridge from

approximately ten million dollars to approximately forty million dollars; and

Whereas, the Crescent City Connection Bridge Authority and the Louisiana Department of Environmental Quality are effectively negotiating to address the excessive cost of the project without compromising the environmental quality for and the safety of the people of the state; therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress to provide for the grant of an exemption relative to the painting of the Crescent City Connection which would limit the requirements for the removal and capture of residue from previous coatings during the painting procedure; and be it further

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

POM-269. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 98

Whereas, the Highway Safety Act passed by Congress in 1973 created the section 130 program to provide funding to the states for rail-highway crossing safety; and

Whereas, the current distribution formula, based on ten percent of a state's surface transportation program fund, does not take into consideration such essential criteria as the total number of crossings, the amount of train traffic, and the number of accidents and fatalities; and

Whereas, based on the current formula, many of the states with the highest concentration of crossings, accidents, and fatalities receive less funding than those states which have less need; and

Whereas, it is imperative that improvement be made to the way the federal government targets existing resources to enhance safety along rail corridors in order to develop a more equitable and effective distribution of existing highway funds to states to enhance safety at dangerous highway rail grade crossings; Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to examine formulas and to adjust the current flat percentage allocation by using risk factors in determining the distribution of section 130 federal highway dollars to the states for rail safety purposes; and be it further

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

POM-270. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 194

Whereas, the federal Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), enacted by congress in 1990, provided for the development of a state coastal wetlands conservation plan by Louisiana; and

Whereas, the state of Louisiana, through the Department of Natural Resources, has prepared and will submit for federal approval the Louisiana Coastal Wetlands Conservation Plan (Plan); and

Whereas, the United States Army, United States Fish and Wildlife Service, and United States Environmental Protection Agency are

the federal agencies authorized under CWPPRA to approve the Plan; and

Whereas, as provided by CWPPRA, the goals and purposes of such Plan include:

(1) To achieve no net loss of wetlands in the coastal areas of Louisiana as a result of developmental activities initiated subsequent to approval of the Plan, exclusive of any wetlands gains achieved through implementation of certain restoration projects; and

(2) To provide a program for the review, evaluation, and identification of regulatory and nonregulatory options to be adopted by the state to encourage and assist private owners of wetlands to continue to maintain those lands as wetlands; and

(3) To provide a system for the state to implement that accounts for gains and losses of coastal wetlands within coastal areas, for purposes of evaluating the degree to which the goal of no net loss of wetlands as a result of development activities in such wetlands or other waters has been attained; and

(4) To provide a program to be carried out by the state for the purpose of educating the public concerning the necessity to conserve wetlands in Louisiana, which presently comprise approximately forty percent of the continental United States coastal wetlands but are currently disappearing at a rate of twenty-five to thirty-five square miles per year, and which are of local, state, national, and international significance as a resource for protection of coastal communities from storms, fishery resources, wildlife habitats, water quality management, and extensive sporting and tourism; and

(5) To provide a program to encourage the use of technology by persons engaged in development activities that will result in negligible impact on wetlands; and

Whereas, in addition to the above programs and benefits, approval of the Louisiana Coastal Wetlands Conservation Plan will have a direct financial benefit by reducing the state's cost share for CWPPRA projects from a current twenty-five percent match to ten percent for Priority Lists 5 (1996) and 6 (1997), and to fifteen percent on other Priority Lists for expenditures incurred subsequent to approval of the Plan; and

Whereas, such cost share reductions will allow for more or larger CWPPRA projects in Louisiana and an increased number of state-only funded projects to be implemented to sustain wetlands functions and values; and

Whereas, the Plan will also demonstrate the state's willingness to address the question of wetland loss, thus assisting in CWPPRA reauthorization set for congressional vote in 1998; and

Whereas, under the authority of R.S. 49:214.1 through 214.5, the Louisiana Department of Natural Resources is the state agency responsible for the conservation, restoration, and enhancement of the state's coastal wetlands resources, and the Plan will provide for the Department of Natural Resources to be the single state agency with responsibility for implementing and enforcing the Plan; and

Whereas, development of the Plan involved extensive public participation and input, including more than ten public hearings during 1996 and 1997, and also the opportunity to provide written comments; and

Whereas, the Plan should be approved by the appropriate federal agencies and should be implemented by the Department of Natural Resources in an expeditious manner: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress and the appropriate federal agencies, consisting of the United States Army, United States Fish and Wildlife Service, and

United States Environmental Protection Agency, to approve the Louisiana Coastal Wetlands Conservation Plan; 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, to each member of the Louisiana congressional delegation, and to the secretary of the United States Army, the director of the United States Fish and Wildlife Service, the administrator of the United States Environmental Protection Agency, and the secretary of the Louisiana Department of Natural Resources.

POM-271. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 253

Whereas, the citizens of parishes that border the Mississippi River are subject to an inordinate amount of noise and pollution, due to the volume of river traffic and commercial operations on and near the river; and

Whereas, this inordinate amount of noise and pollution poses health and safety hazards to the citizens of these parishes; and

Whereas, despite this potential exposure to such hazards, the citizens of these parishes have no authority, discretionary or otherwise, to control or abate the noise and pollution; and

Whereas, the residents of the parishes of St. John the Baptist and St. James and the other parishes bordering the Mississippi River have been plagued with noise and dust pollution arising from ship traffic, mid-stream transfer facilities, and barges on the Mississippi River; and

Whereas, the state and local governing entities should have some authority to control commercial operations on the river, in order to protect the citizens and to provide a safe and healthy work and living environment: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to enact legislation to return control of the Mississippi River to state and local governing authorities; and be it further

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

POM-272. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

ASSEMBLY JOINT RESOLUTION NO. 1

Whereas, The unprecedented flooding across California has caused the loss of life, destruction of homes, and an unprecedented disruption in the web of neighbors, transportation, commerce, services, and communications that bind communities together; and

Whereas, Forth-eight counties in California have qualified for federal disaster relief because of damage caused by the recent flooding; and

Whereas, The State of California is entitled to \$100 million in federal emergency relief funds for transportation infrastructure repair for this disaster; and

Whereas, California state agencies have already identified well over \$300 million worth of flood-caused transportation damages that are eligible for state and federal funding for urgently needed repairs; and

Whereas, California has already requested the release of the \$100 million in federal transportation disaster relief funds of which

only \$50 million have been received to date; and

Whereas, These moneys are urgently needed to rebuild the lands, lives, and livelihood of thousands of Californians; Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California strongly urges the Federal Highway Administrator to immediately release all of the requested transportation funds for which California is eligible, so that the flood-ravaged people of California may more speedily recover from their plight; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to the Federal Highway Administrator.

POM-273. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 13

Whereas, The point at which U.S. Route 93 crosses the Hoover Dam on the border of the states of Nevada and Arizona is the major commercial corridor between the states of Arizona and Utah and is on the North American Free Trade Agreement (NAFTA) "CANAMEX" route between Mexico and Canada; and

Whereas, Presently, this portion of the highway is one of the most congested sections of two-lane highway in the country with continual traffic each day of approximately 1,500 trucks and buses and 12,427 cars, and drivers often cross the double yellow line into oncoming traffic in an attempt to negotiate the serpentine curves; and

Whereas, Every time there is an accident, the lack of shoulders on the side of the highway interferes with the access of persons delivering emergency medical assistance and causes significant road closures; and

Whereas, This traffic situation poses a serious safety hazard to the more than 1 million visitors who tour Hoover Dam each year; and

Whereas, Other alternative commercial routes between Arizona and the states to the north are through California, an additional distance of more than 250 miles and the other northbound highways are also more unsuitable for this amount of traffic than the present U.S. Route 93; and

Whereas, The traffic congestion caused by the inadequacy of the highway across Hoover Dam imposes serious economic burdens on the states of Nevada, Arizona and Utah and interferes with commerce on the vital "CANAMEX" corridor; and

Whereas, The traffic on the existing highway has increased many times since it was opened 60 years ago and is expected to increase by 50 percent in the next 10 years; and

Whereas, Construction of a bridge with four traffic lanes with connecting roadways to the existing U.S. Route 93 will serve as a vital link between Interstate Highway No. 40 and Interstate Highway No. 15; and

Whereas, The states of Nevada and Arizona have an interest in the maintenance of their respective portions of U.S. Route 93; and

Whereas, Over \$3,000,000 has been spent by the Federal Government and the states of Nevada and Arizona to study the possibility of a bypass of the present highway over Hoover Dam; and

Whereas, Presently the states of Nevada and Arizona are cooperating with the Federal Highway Administration, the U.S. Bureau of Reclamation and the National Park Service to complete and environmental im-

pact statement for a bypass of the present highway over Hoover Dam; and

Whereas, The portion of U.S. Route 93 over Hoover Dam is owned and controlled by the Federal Government and is not maintained by either of the states of Nevada or Arizona; and

Whereas, The Federal Government has the sole responsibility to fund future costs associated with any upgrades on this portion of the highway; and

Whereas, U.S. Route 93 was designated a NAFTA corridor and identified as a "high priority corridor" in the National Highway System Designation Act of 1995; Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the members of the 69th session of the Nevada Legislature hereby urge Congress to approve legislation to include among the highway projects to be federally funded a bridge with four traffic lanes that would serve as a bypass to the existing highway over Hoover Dam and would connect existing highways to U.S. Route 93; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM-274. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Environment and Public Work.

HOUSE CONCURRENT RESOLUTION NO. 137

Whereas, With the advent of the North American Free Trade Agreement (NAFTA), Texas roadways have borne the brunt of the 5,000 to 7,000 trucks that cross between Mexico and Texas daily, carrying 80 percent of all U.S. trade with Mexico; and

Whereas, With the total number of border crossings estimated at 1.8 million for Texas in 1994 alone, and expectations of an increase to eight million crossings by the year 2000, this ever-increasing free trade is imposing an unfair burden not only on Texas taxpayers, but on those in the border states of New Mexico, Arizona, and California; and

Whereas, Overland trade traffic has not been effectively limited to designated NAFTA corridors, and the illegal use of county, farm-to-market, and other peripheral roads by overweight trade vehicles has caused untold damage to roadways and created financial hardships for county and local governments; and

Whereas, The Texas Department of Transportation (TXDOT) estimates that damage to the Texas highway system from overweight trucks costs \$450 million annually and a 1994 study by the Texas Transportation Institute found that a truck that weighs 4,000 pounds over the 80,000 pound limit could effectively shorten the 40-year lifespan of a highway to eight years; and

Whereas, Of the 4,800 Texas bridges on the NAFTA trade route, 28 percent currently fail to meet structural standards and if Canadian and Mexican weight limits are imposed on the United States, the percentage of structurally deficient bridges jumps to 64 percent; and

Whereas, A recent report by Shiner, Mosely, and Associates on infrastructure requirements in the Texas border region estimated the cost for all transportation infrastructure needed over the next decade to be approximately \$3.25 billion; and

Whereas, The Intermodal Surface Transportation Efficiency Act (ISTEA), authorized

by Congress in 1991, provides innovative financing options for the construction and improvement of highways, but the funds allocated to Texas since the Act's inception have only met 33 percent of the state's highway needs; Now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby urge the United States Congress to create a NAFTA Trade Impact Fund under the Intermodal Surface Transportation Efficiency Act to provide border states and communities with funding for transportation infrastructure for the facilitation of free trade and NAFTA-generated passenger and commercial traffic; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-275. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 26

Whereas a new northern railroad route will provide majestic views of Mt. McKinley, the opportunity to enjoy a wilderness experience, and the chance to encounter wildlife in its natural habitat, and would connect to the Alaska Railroad corridor; and

Whereas a new northern railroad access would enhance the Mt. McKinley experience for visitors to Denali National Park and Preserve, promote tourism statewide through greater visitor satisfaction, and provide a foundation for year-round visitation; and

Whereas insufficient transportation access to premier viewing areas in Denali National Park and Preserve and the lack of facilities at these areas are major obstacles to enhancing the wilderness experience that the park offers; and

Whereas a new northern railroad transportation system and visitor facilities can be designed and constructed so as not to detract from the qualities that make Denali National Park and Preserve the state's premier visitor attraction; and

Whereas the Wonder Lake area, located on the north side of Denali National Park and Preserve, has a dry interior climate, long daylight hours, and splendid viewing opportunities, and offers the potential to promote both summer and winter activities; and

Whereas creating a new northern railroad access into Denali National Park and Preserve, taking advantage of a long-established and historic transportation route previously used by the mining industry, would offer an opportunity for the private sector to meet the increased demand for tourism facilities; and

Whereas, without making a substantial claim on the state's financial resources, the state is uniquely able to assist in this effort to develop a new northern railroad route by supporting the private sector efforts underway, by making available for use the state land adjacent to Denali National Park and Preserve for the creation of a railroad route corridor, and by monitoring negotiations that would encourage development opportunities involving the private sector: Be it

Resolved, That the Alaska State Legislature strongly supports the efforts of the federal and state governments and the private sector to complete the necessary studies and acquire the necessary permits that would identify and open a new northern railroad

route to the vicinity of Wonder Lake and spur the appropriate development of visitor facilities in the Wonder Lake area; and be it further

Resolved, That the Alaska State Legislature respectfully urges the Governor and the state's executive branch agencies to be aggressive in their resolve to support the consensus of Alaska opinion in supporting the creation of a new northern railroad access into Denali National Park and Preserve, as represented by resolutions of endorsement from the city councils of North Pole, Fairbanks, Nenana, and Seward, the Assembly of the Municipality of Anchorage, and the Assemblies of the Denali, Fairbanks North Star, and Matanuska-Susitna Boroughs, to enhance the Mt. McKinley experience for visitors and the creation of a rail connection between the Wonder Lake area and the Alaska Railroad; and be it further

Resolved, That appropriate state agencies should work with the National Park and interested government officials and representatives of the private sector to investigate the potential of establishing a new northern railroad route into the Wonder Lake area of Denali National Park and Preserve, for the appropriate development of facilities in this area that would serve the needs of park visitors.

POM-276. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 75

Whereas, the municipalities of the state of Louisiana provide essential services to their citizens; and

Whereas, municipalities rely on their pool of citizens to find suitable employees to perform these essential functions; and

Whereas, a commercial driver's license is required even though the employees of small municipalities operate municipal vehicles solely on city streets while performing the functions of the municipality; and

Whereas, it is too onerous a demand to require employees of small municipalities who drive solely on city streets, as opposed to state and federal highways, to maintain a commercial driver's license; Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to exempt from the commercial driver's license requirement employees of municipalities with a population of five thousand or less who operate municipal vehicles solely on city streets; 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-277. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 80

Whereas, the historic gulfward boundary of the state of Louisiana extends a distance into the Gulf of Mexico three marine leagues from the coast; and

Whereas, three leagues is approximately 10.35 miles; and

Whereas, after much litigation, Texas holds title to a three-league gulfward boundary; and

Whereas, as a result of holding title to such three-league gulfward boundary, the Texas public school fund has received literally billions of dollars from leases, rentals, and royalties on such property, and numer-

ous oil and gas wells have been discovered on such property; and

Whereas, Mississippi has also sought a similar gulfward boundary; and

Whereas, the gulfward boundary of the state of Louisiana should be at least equal to that of Texas and Mississippi, therefore, be it

Resolved That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to extend the coastal boundary in Louisiana to be at least equal to that of Texas and Mississippi, 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-278. A resolution adopted by the Judicial Conference of the United States relative to a cost-of-living salary adjustment; to the Committee on the Judiciary.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the Order of the Senate of October 9, 1997, the following reports of committees were submitted on October 15, 1997:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1186. A bill to provide for education and training, and for other purposes (Rept. No. 109).

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, without amendment:

S. 1046. A bill to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes (Rept. No. 110).

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

S. 439. A bill to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for a portion of a hydroelectric project located in the State of New Mexico, and for other purposes (Rept. No. 111).

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

S. 846. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii (Rept. No. 112).

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

S. 1092. A bill to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, and for other purposes (Rept. No. 113).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a committee was submitted:

By Mr. HELMS, from the Committee on Foreign Relations: International Telecommunications Union Constitution and Convention (Exec. Rept. 105-3)

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise

and consent to the ratification of the Constitution and Convention of the International Telecommunication Union (ITU), with Annexes, signed at Geneva on December 22, 1992, and Amendments to the Constitution and Convention, signed at Kyoto on October 14, 1994, together with Declarations and Reservations by the United States contained in the Final Acts (Treaty Doc. 104-34), subject to declarations and reservations Nos. 68, 73 and 82 of the 1992 Final Acts; declarations and reservations Nos. 84, 92, 97, and 98 of the 1994 Final Acts; and the understandings of subsection (a), the declarations of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following two understandings, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) BROADCASTS TO CUBA.—The United States of America, noting the Statement (No. 40) entered by the delegation of Cuba during the Plenipotentiary Conference of the International Telecommunication Union, in Kyoto Japan, affirms its rights to broadcast to Cuba on appropriate frequencies free of jamming or other wrongful interference and reserves its rights to address existing interference and any future interference, by Cuba with United States broadcasting. Furthermore, the United States of America notes that its presence in Guantanamo is by virtue of an international agreement presently in force; the United States of America reserves the right to meet its radio communication requirements there as heretofore.

(2) GEOSTATIONARY-SATELLITE ORBITS.—The United States understands that the reference in Article 44 of the Constitution to the "geographical situation of particular countries" does not imply a recognition of claim to any preferential rights to the geostationary-satellite orbit.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following two declarations, which shall be binding on the President:

(1) ASSESSED PAYMENTS TO THE UNITED NATIONS INTERNATIONAL TELECOMMUNICATION UNION.—Payments by the United States to the International Telecommunication Union shall be limited to assessed contributions, appropriated by Congress. This provision does not apply to United States payments voluntarily made for a specific purpose other than the payment of assessed contributions. The United States shall seek to amend Article 33(3) of the ITU Convention to eliminate the ITU's authority to impose interest payments on ITU members.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISIO.—The Senate's resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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