

AJ05), received March 22, 2000; to the Committee on Governmental Affairs.

EC-8142. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Agency Use of Appropriated Funds for Child Care Costs for Lower Income Federal Employees" (RIN3206-A193), received March 21, 2000; to the Committee on Governmental Affairs.

EC-8143. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Rule: 1999-Crop Peanuts National Poundage Quota" (RIN0560-AF48), received March 22, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8144. A communication from the Inspector General, Department of Agriculture transmitting a report entitled "Office of Civil Rights Management of Employment Complaints"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8145. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Housing Act of 1949; to the Committee on Agriculture, Nutrition, and Forestry.

### 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-442. A concurrent resolution adopted by the Legislature of the State of West Virginia relative to an amendment to the Constitution regarding taxation; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, Separation of powers is fundamental to the United States' form of government; and

Whereas, Section eight, article one of the Constitution of the United States of America vests the Congress, the legislative branch of government, with the power to lay and collect taxes; and

Whereas, The duty and responsibility of the judiciary is to interpret law, not to create law; and

Whereas, Recent federal court decisions, including *Missouri v. Jenkins* of 1990, have resulted in the judicial branch levying taxes or increasing the amount of taxes imposed upon our citizenry to raise revenue sufficient to support various court orders or federal mandates; and

Whereas, These federal courts, through their mandates, have strayed from the provisions of the Constitution of the United States of America and the separation of powers doctrine and have intruded into the legitimate public policy making function of the states; and

Whereas, Taxation is and must remain the exclusive prerogative of elected representatives in the legislative branch of government, and not be subject to imposition by an appointed judiciary; and

Whereas, Numerous other states have petitioned the Congress of the United States to propose an amendment to the Constitution of the United States of America reiterating that the federal courts are prohibited from levying or increasing taxes without the representation of the people; and

Whereas, The Legislature of the State of West Virginia reaffirms in no uncertain terms that the power and authority to levy or increase taxes is and should continue to be retained by the citizens, who do delegate that power and authority explicitly to their duly elected representatives in the legisla-

tive branch of government, with such representatives being responsible and accountable to those who have elected them; therefore, be it

*Resolved by the Legislature of West Virginia:* That in accordance with the provisions of article five of the Constitution of the United States of America, the West Virginia Legislature hereby petitions the Congress of the United States to adopt an amendment to the Constitution of the United States of America, for submission to the states for ratification, a new article providing substantially as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes"; and, be it

*Further Resolved,* That the West Virginia Legislature requests the Legislatures of the states who have not yet done so to make a similar petition to the Congress of the United States; and, be it

*Further Resolved,* That the Clerk of the house of Delegates is directed to send copies of this resolution to the presiding officers of both houses of the legislature in each of the other states in the union, to the Clerk of the United States House of Representatives, to the Secretary of the United States Senate, to the President of the United States, to the Vice president of the United States and to members of West Virginia's congressional delegation.

POM-443. A joint resolution adopted by the Legislature of the State of Washington relative to Migratory bird predation on salmonid stocks; to the Committee on environment and Public Works.

#### HOUSE JOINT MEMORIAL 4026

Whereas, The state of Washington has embarked on a major salmon recovery effort as reflected in significant legislation enacted in 1998 and 1999; and

Whereas, The state of Washington has formulated a state-wide strategy to recover salmon; and

Whereas, The state of Washington has spent and is prepared to spend millions of dollars to protect and restore salmon populations; and

Whereas, The state of Washington is aggressively pursuing salmon recovery through a comprehensive undertaking in partnerships with federal agencies, Indian tribal nations, local governments, nonprofit organizations, and others; and

Whereas, The national marine fisheries service has listed under the federal endangered species act a number of salmon species that live in evolutionarily significant units within Washington state; and

Whereas, Predation by certain migratory birds such as the Caspian Tern is widely viewed as a significant issue for recovery of listed fish species throughout Washington inland and coastal waters; and

Whereas, The federal migratory bird treaty act of 1918, 16 U.S.C.A. Sec. 703 et seq., has proven ineffective in managing migratory bird predation on salmonids; and

Whereas, Washington's efforts toward salmon recovery, while addressing nearly all the factors that have led to the decline of salmon, cannot currently, because of federal law, effectively address predation by these migratory birds; and

Whereas, Public confidence and support of Washington's salmon recovery efforts will be diminished unless the interaction among migratory birds and salmonid populations is better understood and site-specific conflicts are addressed;

Now, Therefore, Your Memorialists respectfully pray that Congress pass legisla-

tion that amends the federal migratory bird treaty act of 1918, 16 U.S.C.A. Sec. 703 et seq., to provide a more effective means to allow for the protection and restoration of salmonid populations.

Congress is further urged to:

(1) Fund joint federal and state research on migratory and resident predatory bird interactions with salmonids, especially site-specific investigations to determine the significance of migratory and resident bird predation on adult and juvenile salmonids for stock recovery, and to develop a cohesive conservation plan that balances protection of both migratory and resident birds and salmonids;

(2) Grant at least limited management authority for state and federal agencies to remove those migratory and resident birds preying on listed fish stocks at areas of restricted fish passage;

(3) Prohibit the relocation of predatory bird nesting areas that could result in shifting predation to salmonid stocks that need recovery in other geographic areas.

*Be it Resolved,* That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the United States House of Representatives Committee on Resources, the United States Senate Committee on Commerce, Science, and Transportation, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-444. A resolution adopted by the Legislature of the State of Michigan relative to the low-income housing tax credit; to the Committee on Finance.

#### SENATE RESOLUTION NO. 138

Whereas, The Congress of the United States created the low-income housing tax credit as an incentive for developers and investors to provide affordable rental housing. Under this program, states are authorized to allocate federal tax credits in block grant form. The awarded tax credits may be taken annually for 10 years by developers and investors to offset federal taxes otherwise owed on their income; and

Whereas, Low-income families cannot afford to construct and rehabilitate apartments. The low-income housing tax credit program leverages about \$7 billion in investments each year and produces approximately 75,000 apartments. These apartments rent at prices affordable to low-income working families, the elderly, and people with special needs; and

Whereas, Low-income housing tax credit apartments help stabilize neighborhoods by improving housing quality and supply. They rent out quickly because the need for them is so much greater than the supply created under the present housing credit volume limit; and

Whereas, Despite rapid growth in the economy and in states' low-income housing needs, the present housing credit limit, \$1.25 per state resident, has not been adjusted for inflation since the program was created in 1986. Consequently, states are severely short-changed in their capacity to produce badly needed urban and rural low-income apartments. Every year, another 100,000 low-cost apartments, more than the housing credit replaces, are demolished, abandoned, or converted to market rate use; now, therefore, be it

*Resolved by the Senate,* That we memorialize the Congress of the United States to enact legislation to increase the cap on the low-income housing tax credit and index it in accordance with the Consumer Price Index; and be it further

*Resolved*, That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

Adopted by the Senate, March 15, 2000.

POM-445. A concurrent resolution adopted by the Legislature of the State of Arizona relative to federal redesignations of land in Arizona; to the Committee on Energy and Natural Resources.

#### HOUSE CONCURRENT MEMORIAL 2003

Whereas, efforts are underway within the current administration to redesignate millions of acres of western lands as National Monuments or Forest Service roadless areas, including more than one million acres in Arizona alone. The Secretary of the Interior has requested the President to designate nearly a dozen sites in the West as National Monuments under the 1906 Antiquities Act. Additionally, there is a recent proposal to redesignate forty million acres of federal lands under a "roadless areas" policy within the United States Forest Service; and

Whereas, these proposals, which would bypass input and consent from the public, the states and even the Congress, would result in the redesignation of lands in Arizona without any consideration of state or local interests. The people of Arizona, the Arizona Legislature and the Congress of the United States have not considered, debated or approved the federal redesignations that are proposed by the administration; and

Whereas, instead of working as a partner to help local communities define and achieve their conservation goals, the federal government proposes unilateral actions that would affect this state and exclude citizens from determining or even having a voice in land management decisions in their communities; and

Whereas, land management and conservation efforts are best administered and managed at state and local levels of government. Failure by the federal government to recognize and respect this basic tenet would leave this state no recourse but to turn to the judicial system to halt the further redesignations of federal land in this state.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the President, the Secretary of the Interior and the Congress of the United States take action to prevent the designation of any additional National Monuments or Forest Service roadless areas in this state without full public participation and an express act of Congress.

2. That the recipients of this Memorial convey to the Arizona Legislature their plan to consider this request.

3. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States, the United States Secretary of the Interior, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the State of Arizona.

POM-446. A joint resolution adopted by the Assembly of the State of California relative to Sudan; to the Committee on Foreign Relations.

#### ASSEMBLY JOINT RESOLUTION NO. 38

Whereas, According to the United States Committee for Refugees an estimated 2,000,000 people have died over the past decade due to war and war-related causes and famine, while millions have been displaced from their homes and separated from their families; and

Whereas, The National Islamic Front government's war policy in southern Sudan, the Nuba Mountains, and the Ingessena Hills has brought untold suffering to innocent civilians and is threatening the very survival of a whole generation of southern Sudanese; and

Whereas, The people of the Nuba Mountains and the Ingessena Hills are at particular risk, because they have been specifically targeted and, as a consequence, they are deliberately prevented from receiving international food aid, resulting in manmade famine, and are the targets of routine bombing of their civilian centers, including schools, hospitals, and areas where religious services are being held; and

Whereas, The Convention for the Prevention and the Punishment of the Crime of Genocide, adopted by the United Nations General Assembly in 1948, defines "genocide" as official acts committed by a government with the intent to destroy a national, ethnic, or religious group, and this definition also includes "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, in whole or in part"; and

Whereas, By that definition, the National Islamic Front government is deliberately and systematically committing genocide in southern Sudan, the Nuba Mountains, and the Ingessena Hills; and

Whereas, The National Islamic Front government has systematically and repeatedly obstructed peace efforts of the Intergovernmental Authority for Development over the past several years; and

Whereas, The Declaration of Principles put forth by the Intergovernmental Authority for Development mediators is the most viable negotiating framework to resolve the problems in Sudan and to bring lasting peace; and

Whereas, Humanitarian conditions in southern Sudan, especially in Bahr al-Ghazal and the Nuba Mountains, deteriorated in 1998, largely due to the National Islamic Front government's decision to ban United Nations' relief flights from February through the end of April in that year and the government continues to deny access to certain locations; and

Whereas, an estimated 2,600,000 southern Sudanese have been at risk of starvation in southern Sudan and the World Food Program currently estimates that 4,000,000 people are in need of emergency assistance; and

Whereas, The United Nations-coordinated relief effort, Operation Lifeline Sudan, failed to respond in a timely manner at the height of the humanitarian crisis and has allowed the National Islamic Front government to manipulate and obstruct the relief efforts; and

Whereas, The relief work in the affected areas is further complicated by the National Islamic Front's repeated aerial attacks on feeding centers, clinics, and other civilian targets; and

Whereas, Relief efforts are further exacerbated by looting, bombing, and killing of innocent civilians and relief workers by government-sponsored militias in the affected areas; and

Whereas, these government-sponsored militias have carried out violent raids in Aweil West, Twic, and Gogrial counties in Bahr el Ghazal/Lakes Region, among others, killing hundreds of civilians and displacing thousands; and

Whereas, The National Islamic Front government has perpetrated a prolonged campaign of human rights abuses and discrimination throughout the country; and

Whereas, The National Islamic Front government-sponsored militias have been engaged in the enslavement of innocent civil-

ians, including children, women, and the elderly; and

Whereas, The now common slave raids being carried out by the government's Popular Defense Force militias are undertaken as part of the government's self-declared jihad (holy war) against the predominantly traditional and Christian south; and

Whereas, According to the American Anti-Slavery Group of Boston, there are tens of thousands of women and children now living as chattel slaves in Sudan; and

Whereas, These women and children were captured in slave raids taking place over a decade by militia armed and controlled by the National Islamic Front regime in Khartoum—they are bought, sold, branded, and bred; and

Whereas, The Department of State, in its report on Human Rights Practices for 1997, affirmed that "reports and information from a variety of sources after February 1994 indicate that the number of cases of slavery, servitude, slave trade, and forced labor have increased alarmingly"; and

Whereas, The enslavement of people is considered in international law to be a "crime against humanity"; and

Whereas, Observers estimate the number of people enslaved by government-sponsored militias to be in the tens of thousands; and

Whereas, Former United Nations Special Rapporteur for Sudan, Gaspar Biro, and his successor, Leonardo Franco, reported on a number of occasions the routine practice of slavery and the complicity of the Government of Sudan; and

Whereas, The National Islamic Front government abuses and tortures political opponents and innocent civilians in the north and many northerners have been killed by this regime over the years; and

Whereas, The vast majority of Muslims in Sudan do not subscribe to the National Islamic Front's extremist and politicized practice of Islam and moderate Muslims have been specifically targeted by the regime; and

Whereas, The National Islamic Front government is considered by much of the world community to be a rogue state because of its support for international terrorism and its campaign of terrorism against its own people; and

Whereas, According to the Department of State's Patterns of Global Terrorism Report, "Sudan's support to terrorist organizations has included paramilitary training, indoctrination, money, travel documentation, safe passage, and refuge in Sudan"; and

Whereas, The National Islamic Front government has been implicated in the assassination attempt of Egyptian President Hosni Mubarak in Ethiopia in 1995 and the World Trade Center bombing in 1993; and

Whereas, The National Islamic Front government has permitted Sudan to be used by well-known terrorist organizations as a refuge and training hub over the years; and

Whereas, The Saudi-born financier of extremist groups and the mastermind of the United States embassy bombings in Kenya and Tanzania, Osama bin-Laden, used Sudan as a base of operations for several years and continues to maintain economic interests there; and

Whereas, On August 20, 1998, United States Naval forces struck a suspected chemical weapons facility in Khartoum, the capital of Sudan, in retaliation for the United States embassy bombings in Nairobi and Dar es Salaam; and

Whereas, Relations between the United States and Sudan continue to deteriorate because of human rights violations, the government's war policy in southern Sudan, and the National Islamic Front's support for international terrorism; and

Whereas, In 1993, the United States government placed Sudan on the list of seven states

in the world that sponsor terrorism and imposed comprehensive sanctions on the National Islamic Front government in November 1997; and

Whereas, The struggle by the people of Sudan and opposition forces is a just struggle for freedom and democracy against the extremist regime in Khartoum; and

Whereas, On June 16, 1999, the United States House of Representatives adopted House Concurrent Resolution 75, introduced by Representative Don Payne (D-NJ), with only one dissenting vote, condemning the Government of Sudan for "deliberately and systematically committing genocide"; and

Whereas, In Congress, both the Senate and House of Representatives have introduced the Sudan Peace Act, a bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan that would, among other specific measures, condemn slavery and other human rights abuses by the Government of Sudan; support the Inter-Governmental Authority on Development sponsored peace process; increase pressure on combatants to end slavery and human rights abuses; and protect humanitarian operations, separating civilians from combatants, and reducing food diversion; and

Whereas, This act passed in the Senate by unanimous consent on November 19, 1999; and

Whereas, Representative Christopher Smith (R-NJ), Chairman of the Subcommittee on International Operations and Human Rights has written that, in addition to sponsoring terrorism, mass murder, enslavement, and other grave crimes against its own people, "the regime has also been identified as among the world's most egregious violators of the fundamental right to freedom of religion"; and

Whereas, Secretary of State Madeleine Albright has stated that the Sudanese regime has an "... appalling human rights record, including torture, religious persecution, and forced imposition of sharia (Islamic) law. And it has prolonged a vicious and inhumane war, not hesitating to enslave, starve and bomb civilians in violation of international humanitarian law"; and

Whereas, The Los Angeles Times stated on October 23, 1999 that "The Clinton Administration considers the Sudanese government to be a brutal dictator and by far the worst offender in an atrocity-filled regional, religious and ethnic war that has claimed as many as two million lives"; and

Whereas, The Center for Religious Freedom of Freedom House, a vigorous proponent of democratic values and a steadfast opponent of dictatorships of the far left and far right founded in 1941 by Eleanor Roosevelt, Wendell Willkie, and others, declares that "the religious and ethnic genocide now occurring in Sudan has destroyed many . . .

\* \* \* \* \*

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute.

H.R. 1658. A bill to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. HATCH, for the Committee on the Judiciary.

Nicholas P. Godici, of Virginia, to be an Assistant Commissioner of Patents and Trademarks.

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

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2277. A bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2278. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2279. A bill to authorize the addition of land to Sequoyia National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL:

S. 2280. A bill to provide for the effective punishment of online child molesters; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire:

S. 2281. A bill to name the United States Army missile range at Kwajalein Atoll in the Marshall Islands for former President Ronald Reagan; to the Committee on Armed Services.

By Mr. CAMPBELL (for himself, Mr. THOMPSON, and Mr. INOUE):

S. 2282. A bill to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself, Mr. JOHNSON, and Mr. INOUE):

S. 2283. A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes; to the Committee on Indian Affairs.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. AKAKA, Mrs. BOXER, Mr. DURBIN, Mr. SARBANES, Mr. WELLSTONE, and Mr. REED):

S. 2284. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

By Mr. LOTT (for himself, Mr. MURKOWSKI, Mr. CRAIG, Ms. SNOWE, Mrs. HUTCHISON, Mr. ABRAHAM, and Mr. GRAMS):

S. 2285. A bill instituting a Federal fuels tax holiday; read the first time.

By Mr. COCHRAN:

S. 2286. A bill to establish the Library of Congress Financial Management Act of 1999, and for other purposes; to the Committee on Rules and Administration.

By Mr. L. CHAFEE (for himself and Mr. REID):

S. 2287. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ABRAHAM:

S. 2288. A bill to amend the Internal Revenue Code of 1986 and the Social Security

Act to repeal provisions relating to the State enforcement of child support obligations and the disbursement of such support and to require the Internal Revenue Service to collect and disburse such support through wage withholding and other means; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2289. A bill for the Relief of Jose Guadalupe Tellez Pinales; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. REID):

S. 2290. A bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction; to the Committee on Finance.

By Mr. DASCHLE:

S. 2291. A bill to provide assistance for efforts to improve conservation of, recreation in, erosion control of, and maintenance of fish and wildlife of the Missouri River in the State of South Dakota, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE:

S. 2292. A bill to amend the Atomic Energy Act of 1954 to renew the authority of the Nuclear Regulatory Commission to indemnify its licensees, and for other purposes; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CAMPBELL (for himself, Mr. MCCAIN, Mr. JOHNSON, and Mr. INOUE):

S. Res. 277. A resolution commemorating the 30th anniversary of the policy of Indian self-determination; to the Committee on Indian Affairs.

By Mr. DEWINE (for himself, Mr. THURMOND, Mr. WARNER, Mr. ROCKEFELLER, Mr. ROBB, Mr. THOMAS, Mr. DODD, Ms. LANDRIEU, Mr. HATCH, and Mr. STEVENS):

S. Con. Res. 98. A concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction; to the Committee on Foreign Relations.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2277. A bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

#### PERMANENT NORMAL TRADE RELATIONS WITH THE PEOPLE'S REPUBLIC OF CHINA

Mr. ROTH. Mr. President, I rise today for myself and Senator MOYNIHAN to introduce legislation that will make normal trade relations with the People's Republic of China permanent when China accedes to the World Trade Organization. The legislation I am introducing is the same as that sent up by the administration. It is a clean bill, and I believe we should keep it that way.

Last year, the Chinese made a series of bold commitments to United States negotiators to open their market in return for WTO accession. In sector after