

transmitting, the report of the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1356. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office Reports for February 2001; to the Committee on Governmental Affairs.

EC-1357. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1358. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the report of the Annual Performance Plan Report for Fiscal Year 2000 and the Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC-1359. A communication from the Secretary of Department of Agriculture, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1360. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1361. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-597, "21st Century Financial Modernization Act of 2000"; to the Committee on Governmental Affairs.

EC-1362. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, the Annual Performance and Accountability Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1363. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on April 3, 2001; to the Committee on Governmental Affairs.

EC-1364. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Accountability Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

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-4. A resolution adopted by the Lexington Fayette Urban County Government relative to parks and other natural resources; to the Committee on Energy and Natural Resources.

POM-5. A joint resolution adopted by the Legislature of the State of Wyoming relative to wildlife management; to the Committee on Appropriations.

ENROLLED JOINT RESOLUTION No. 4

Whereas, the United States government has adopted and is implementing a plan for the recovery of the grizzly bear and gray wolf in the Northern Rocky Mountain region; and

Whereas, the federal policy to restore the grizzly bear and gray wolf in the Northern Rocky Mountain region has a continuing financial obligation which should be borne by the same broad segment of the United States

population which imposed the policy in order to continue the effective management of these species; and

Whereas, significant portions of the range of the grizzly bear and gray wolf are located within the Northern Rocky Mountain region on lands managed by the United States Department of the Interior and the United States Department of Agriculture; and

Whereas, the management of resident wildlife species not listed under the federal Endangered Species Act of 1973, as amended, is the responsibility of the states; and

Whereas, grizzly bear and gray wolf populations are increasing and should therefore be removed from the federal list of endangered species, thereby shifting a substantial responsibility from management of these wildlife species to the state of Wyoming; and

Whereas, the state of Wyoming acknowledges its responsibility and authority for the management of the grizzly bear and gray wolf in the Northern Rocky Mountain region after those species have been removed from the list of endangered species; and

Whereas, providing a substantial permanent and stable source of funding to help pay for the continuing costs of managing these unique species is essential for the successful management of the grizzly bear and gray wolf in the Northern Rocky Mountain region; and

Whereas, the costs to manage these wildlife species in the Northern Rocky Mountain region will be significantly greater than can be sustained through the existing budgets of the responsible state and federal agencies; and

Whereas, a national trust should be established for the management of these wildlife species with the understanding that the responsible state and federal agencies will continue to seek necessary appropriations from their respective legislative bodies for the continuing management of these wildlife species, consistent with their respective statutory mandates. Now, therefore, be it

Resolved by the members of the legislature of the State of Wyoming, a majority of all the members of each house, voting separately, concurring therein:

Section 1. That the Wyoming State Legislature endorses the establishment of the Northern Rocky Mountain Grizzly Bear and Gray Wolf Management Trust as a special fund within the National Fish and Wildlife Foundation, to provide funding for the management and compensation payments for losses incurred by individuals and entities, made by state and federal entities arising out of the continuing management of grizzly bear and gray wolf populations in the Northern Rocky Mountain region.

Section 2. That the Wyoming State Legislature requests that the United States Congress fund the corpus of the Management Trust with a minimum of forty million dollars (\$40,000,000.00) by January 1, 2003, which is the minimum amount presently anticipated to be required to fund the obligations resulting from the continuing management of these unique species.

Section 3. That the Wyoming State Legislature encourages individuals, businesses, corporations and organizations across the United States to contribute to the corpus of the Management Trust to ensure the continuing management of the grizzly bear and gray wolf in the Northern Rocky Mountain region of the United States.

Section 4. The Secretary of State of Wyoming is directed to transmit copies of this resolution and a copy of the list of members voting for this proposal to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Interior

and the United States Secretary of Agriculture and to the Wyoming Congressional Delegation.

POM-6. A joint resolution adopted by the Legislature of the State of Wyoming relative to wildlife management; to the Committee on Environment and Public Works.

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is limited; and

Whereas, the state of Wyoming has certain rights guaranteed to the states by the Constitution of the United States; and

Whereas, under the United States constitution, the states are to determine public policy; and

Whereas, traditionally the state of Wyoming has participated in issues regarding the introduction or reintroduction of threatened or endangered species into boundaries of the state; and

Whereas, the costs of managing and conserving the threatened or endangered species is significantly greater than can be sustained through the annual operating budgets of state agencies; and

Whereas, the introduction or reintroduction of threatened or endangered species may have a negative impact on the state of Wyoming's industries and economy; and

Whereas, the United States Congress should not make decisions for the introduction or reintroduction of threatened or endangered species into the state of Wyoming without the consent and approval of the state; and

Whereas, the United States Congress should not make decisions for the introduction or reintroduction of threatened or endangered species into the state of Wyoming without providing necessary funding for the management and conservation of these species.

Now, therefore, be it

Resolved by the members of the legislature of the State of Wyoming, a majority of all the members of each house, voting separately, concurring therein:

Section 1. That the Wyoming State Legislature does not condone the introduction of threatened or endangered species pursuant to the federal "Endangered Species Act of 1973" 16 U.S.C. §1531, et seq., as amended, into the state of Wyoming without the approval and consent of the state of Wyoming.

Section 2. That the Wyoming State Legislature strongly encourages the United States Congress to appropriate monies for the management and conservation of threatened or endangered species prior to their introduction or reintroduction into the state of Wyoming, and to establish federal funding sources to provide for state management of the species following delisting.

Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Interior and the United States Secretary of Agriculture and to the Wyoming Congressional Delegation.

POM-7. A concurrent resolution adopted by the Legislature of the State of North Dakota relative to amending the Constitution of the United States; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION No. 3031

Whereas, the Constitution of the United States reserves to the states a broad range of powers and the power of the federal government is strictly limited with regard to powers reserved to the states; and

Whereas, under the Constitution of the United States, the states are given full authority over state and local government tax policy; and

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

Whereas, our present federal government has strayed from the intent of our founding fathers and the Constitution of the United States through inappropriate federal mandates; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the Constitution of the United States; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them; Now, therefore, be it

Resolved by the House of Representatives of North Dakota, the Senate Concurring therein:

1. That the United States Congress prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing 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 political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes."

2. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States.

3. That the Fifty-seventh Legislative Assembly also proposes that the legislatures of each of the several states comprising the United States that have not yet made a similar request apply to the United States Congress requesting enactment of an appropriate amendment to the Constitution of the United States, and apply to the United States Congress to propose such an amendment to the Constitution of the United States.

4. That the Secretary of State transmit copies of this resolution to the President and Vice President of the United States, the presiding officer in each house of the legislature in each of the states in the Union, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the North Dakota Congressional Delegation.

POM-8. A concurrent resolution adopted by the Legislature of the State of Wyoming relative to the rescinding of a convention; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 4028

Whereas, the Legislative Assembly, acting with the best of intentions, has, at various times, applied to the Congress of the United States to call a convention to propose amendments to the United States Constitution, pursuant to the provisions of Article V of the United States Constitution; and

Whereas, former Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any

limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than 200 years and has been found to be a sound document that protects the lives and liberties of the citizens; and

Whereas, there is great danger in a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation; Now, therefore, be it

Resolved by the Senate of North Dakota, the House of Representatives concurring therein:

That the Legislative Assembly rescinds the following applications made by the Legislative Assembly to the Congress of the United States to call a convention pursuant to Article V of the United States Constitution:

1967 House Concurrent Resolution "I-1", calling for a convention to amend the Constitution of the United States, relating to apportionment;

1971 Senate Concurrent Resolution No. 4013, calling for a convention to amend the Constitution of the United States to provide revenue sharing;

1975 Senate Concurrent Resolution 4018, calling for a convention to amend the Constitution of the United States to require a balanced cash budget for each session of Congress except in time of war or national emergency;

1979 Senate Concurrent Resolution No. 4033, calling for a convention to amend the Constitution of the United States to prohibit federal estate taxes; and

Be it further resolved, That the Legislative Assembly urges the legislative bodies of each state that have applied to Congress to call a convention to rescind; and

Be it further resolved, That the Secretary of State forward copies of this resolution to the presiding officer of each legislative body in each state, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the members of the North Dakota Congressional Delegation, and to the administrator of General Services, Washington, D.C.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. SPECTER for the Committee on Veterans' Affairs.

Tim S. McClain, of California, to be General Counsel, Department of Veterans Affairs.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

and second times by unanimous consent, and referred as indicated:

By Mr. BOND (for himself and Mr. BREAUX):

S. 724. A bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women; to the Committee on Finance.

By Mr. GRASSLEY:

S. 725. A bill to amend the Internal Revenue Code of 1986 to codify the authority of the Secretary of the Treasury to issue regulations covering the practices of enrolled agents before the Internal Revenue Service; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. THOMPSON, Mr. MILLER, Mr. CLELAND, Ms. LANDRIEU, Mr. SHELBY, Mr. BUNNING, and Mr. FRIST):

S. 726. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of prepayments for natural gas; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 727. A bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. DORGAN, and Mr. CONRAD):

S. 728. A bill to establish a demonstration project to waive certain nurse aide training requirements for specially trained individuals who perform certain specific tasks in nursing facilities participating in the medicare or medicaid programs, and to conditionally authorize the use of resident assistants in such nursing facilities; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 729. A bill to provide grant money to States to enable States to expand the opportunity for citizens to vote over the Internet; to the Committee on Rules and Administration.

By Mr. JOHNSON (for himself, Mr. HUTCHINSON, and Mrs. LINCOLN):

S. 730. A bill to amend title XVIII of the Social Security Act to provide for the fair treatment of certain physician pathology services under the medicare program; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 731. A bill to ensure that military personnel do not lose the right to cast votes in elections in their domicile as a result of their service away from the domicile, to amend the Uniformed and Overseas Citizens Absentee Voting Act to extend the voter registration and absentee ballot protections for absent uniformed services personnel under such Act to State and local elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. THOMPSON:

S. 732. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain restaurant buildings, and for other purposes; to the Committee on Finance.

By Mr. DEWINE:

S. 733. A bill to eliminate the duplicative intent requirement for carjacking; to the Committee on the Judiciary.

By Mr. BOND (for himself and Mr. KERRY):

S. 734. A bill to amend the Foreign Service Buildings Act, 1926, to expand eligibility for the award of construction contracts under that Act to persons that have performed similar construction work at United States diplomatic or consular establishments abroad under contracts limited to \$5,000,000; to the Committee on Foreign Relations.