

EC-1735. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Additional Safeguards for Children in Clinical Investigations of FDA-Regulated Products; Interim Rule" (RIN0910-AC07) received on May 2, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-1736. A communication from the Acting Assistant Secretary, Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to case management and custodial care program; to the Committee on Armed Services.

EC-1737. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, Legislative Affairs; to the Committee on Armed Services.

EC-1738. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Defense, Acquisition, Technology, and Logistics; to the Committee on Armed Services.

EC-1739. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Department of Defense General Counsel; to the Committee on Armed Services.

EC-1740. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "2000 Wiretap Report"; to the Committee on the Judiciary.

EC-1741. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, a report relative to the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

EC-1742. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, a report concerning amendments to the federal sentencing guidelines, policy statements, and official commentary; to the Committee on the Judiciary.

EC-1743. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to a project for flood control, environmental restoration and recreation for Salt Creek, Graham Texas; to the Committee on Environment and Public Works.

EC-1744. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Great Lakes Breeding Population of the Piping Plover" (RIN1018-AG14) received on May 2, 2001; to the Committee on Environment and Public Works.

EC-1745. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Storage, Treatment, Transportation, and Disposal of Mixed Waste" (FRL6975-1) received on May 2, 2001; to the Committee on Environment and Public Works.

EC-1746. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-From Rules" (FRL6975-2) received on May 2, 2001; to the Committee on Environment and Public Works.

EC-1747. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report concerning the Capital Investment and Leasing Program for Fiscal Year 2002; to the Committee on Environment and Public Works.

EC-1748. A communication from the Deputy Associate Administrator of the Office of Acquisition Policy, General Service Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 97-27 consisting of FAR Case 1999-607, Electronic and Information Technology Accessibility, Final Rule" (FAC 97-27) received on April 26, 2001; to the Committee on Governmental Affairs.

EC-1749. 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 May 2, 2001; to the Committee on Governmental Affairs.

EC-1750. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, the Annual Program Performance 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-46. A resolution adopted by the Senate of the Legislature of the Northern Mariana Commonwealth relative to an amendment to the Constitution of the United States concerning Judicial taxation; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 12-33

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

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

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

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

Whereas, these mandates by the way of statute, rule or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, the 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 United States Constitution and the legislative process; 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 chose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, the lawmakers of the Commonwealth of the Northern Mariana Islands have

petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

Whereas, the amendment was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people against the people's wishes: Now, therefore, be it

Resolved by the Senate of the Twelfth Northern Mariana Commonwealth Legislature:

1. That the Congress of the United States 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 state or 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 legislature of the Northern Mariana Islands 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 United States Constitution, and apply to the United States Congress to propose such an amendment to the United States Constitution; and be it further

Resolved, That the President of the Senate shall certify and the Senate Legislative Secretary shall attest to the adoption of this resolution and certified copies shall thereafter be transmitted to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the presiding officer in each house of the legislature in each of the States in the Union; President Pro Temp of the United States Senate, and to the Honorable Pedro P. Tenorio, Governor of the Commonwealth of the Northern Mariana Islands.

POM-47. A resolution adopted by the House of the Legislature of the State of Michigan relative to Airfare Pricing; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 63

Whereas, In recent years, mergers among airlines have significantly changed air transportation throughout our country. There are two pending mergers involving major carriers that, if completed, will result in two airlines controlling half of the entire United States airline market; and

Whereas, While there have been increasing concerns over the quality of air services, the prospect of even more communities facing a market situation with little or no competition has many observers calling for actions that would ensure that there is fairness in pricing and acceptable standards of performance. Certain communities and regions of the country face the possibility of losing air services entirely or dealing with prices that do not have to respond to competition; and

Whereas, Our nation's air transportation network represents an enormous investment and a public-private partnership through the airports, air traffic control systems, and infrastructures that are maintained; and

Whereas, There are discussions underway in congress and in the United States Justice Department on the impact of mergers, whether or not airlines are fulfilling previous agreements, and relevant antitrust

issues. These discussions need to include serious consideration of airfare pricing, particularly in areas where little or no competition exists: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to investigate airfare pricing, especially in markets where mergers have eroded competition; and be it further

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

POM-48. A joint resolution adopted by the Legislature of the State of Montana relative to federal weed control programs and the procurement of federal weed control funds; to the Committee on Agriculture, Nutrition, and Forestry.

JOINT RESOLUTION

Whereas, noxious weeds are invasive species that are very difficult to contain or eliminate once they are established; and

Whereas, noxious weeds are invading Montana's rangeland, forest land, waterways, cities, towns, private lands, and public lands, including National Parks and monuments; and

Whereas, noxious weeds replace native species on lands regardless of land ownership and land ownership boundaries; and

Whereas, Montana's citizens and Legislature have made significant contributions and commitments toward reducing the acreage infested by noxious weeds and controlling any new invasions; and

Whereas, current working agreements between public land management agencies and country weed districts and other local groups are generally successful in addressing the control or containment of noxious weeds on public lands; and

Whereas, noxious weeds are a continuous problem that must be addressed on an annual basis and are never truly eradicated from the ecosystem; and

Whereas, public land management agencies should, at a minimum, contribute financially to the control of noxious weeds in Montana: Now, therefore be it

Resolved by the Senate and the House of Representatives of the State of Montana, That the federal government be strongly urged to:

(1) enter into agreements with local groups and agencies to promote the control of noxious weeds in a manner that addresses locally identified priorities;

(2) continue to provide funding for local weed control programs on an annual and continuing basis; and

(3) provide assistance in helping local groups and agencies access federal weed control programs and procure available federal weed control funds. Be it further

Resolved, That copies of this resolution be sent by the Secretary of State to the President of the United States, the Vice President of the United States, the Secretary of Agriculture, the Secretary of the Interior, the presiding officers of the Appropriations Committees of the U.S. Senate and U.S. House of Representatives, the Montana Congressional Delegation, the Chief of the Forest Service, the Director of the Bureau of Reclamation, and the Director of the bureau of Land Management.

POM-49. A joint resolution adopted by the Legislature of the State of Montana relative to Montana's Yellowstone and Missouri River Basins; to the Committee on Environment and Public Works.

JOINT RESOLUTION

Whereas, Montana lost 590,000 acres of land to reservoir flooding under the Pick-Sloan

plan, as set out in the federal Flood Control Act of 1944, and was in return promised 1,313,930 acres of new irrigation, but only 76,200 acres were ever developed for irrigation under the plan; and

Whereas, over 16,500,000 acre-feet of water leave Montana annually in the Missouri and Yellowstone Rivers—water that is abundant but underused in this time of need for growth in Montana; and

Whereas, Montana's conservation districts have reserved over 853,000 acre-feet of water for new irrigation development, and the state has completed water rights compacts with several tribes that enable tribes to develop many acres of new irrigation as well; and

Whereas, Montana's agricultural sector continues to shrink along with the population of rural communities; and

Whereas, Montana consumes less than 30% of the hydropower that is generated in the state under the Pick-Sloan plan; and

Whereas, Montana's Vision 2005 program identified the goal of doubling the value of irrigated agriculture by the year 2005 by developing 500,000 acres of new irrigation, which is less than one-half of the number of acres promised under the Pick-Sloan plan; and

Whereas, costs for power may double or triple, and without low-cost power, it will become impossible to irrigate new lands and even existing irrigated lands identified in the original Pick-Sloan plan; and

Whereas, agriculture is Montana's largest industry, and any increase in values from irrigation would benefit the entire state and region: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana, That the federal government be strongly urged to:

(1) assist the efforts of the Lower Yellowstone Conservation District Development Committee in obtaining the promised benefits of the Pick-Sloan Missouri River plan, as set out in the federal Flood Control Act of 1944; and

(2) assist the efforts of the Lower Yellowstone Conservation District Development Committee in drafting and passing the proposed federal Montana Water Resources Act, which will outline benefits promised in the Flood Control Act that are needed to sustain existing irrigation and the development of new irrigation throughout Montana's Yellowstone and Missouri River basins. Be it further

Resolved, That the Secretary of State send copies of this resolution to the President of the United States, the Vice President of the United States, the Secretary of the United States Department of Agriculture, the Secretary of the Interior, the presiding officers of the Energy and Natural Resources Committees of the United States Senate and House of Representatives, the Montana Congressional Delegation, and the Commissioner of the federal Bureau of Reclamation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. MCCAIN for the Committee on Commerce, Science, and Transportation.

Michael P. Jackson, of Virginia, to be Deputy Secretary of Transportation.

Brenda L. Becker, of Virginia, to be an Assistant Secretary of Commerce.

Theodore William Kassinger, of Maryland, to be General Counsel of the Department of Commerce.

(The above nominations were reported with the recommendation that

they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C. section 271:

To be rear admiral

Rear Adm. (1h) David R. Nicholson, 0216

Rear Adm. (1h) Ronald F. Silva, 1219

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

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning Quincey N. Adams and ending Kathryn L. Wunderlich, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2001.

Coast Guard nominations beginning Benes Z. Aldana and ending Marshall E. Wright, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

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. TORRICELLI (for himself and Ms. SNOWE):

S. 819. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. CRAIG):

S. 820. A bill to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRIST (for himself and Mr. THOMPSON):

S. 821. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Mr. SMITH of Oregon, Mr. CRAIG, Mr. DASCHLE, and Mr. LEAHY):

S. 822. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of