

## 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-222. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania relative to Ronald Reagan Day; to the Committee on the Judiciary.

## HOUSE RESOLUTION No. 411

Whereas, Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good as an entertainer, union leader, corporate spokesperson, Governor of California and President of the United States; and

Whereas, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States and earned the confidence of three-fifths of the electorate in his reelection carrying 49 of the 50 states in the general election, a record unsurpassed in the history of American presidential elections; and

Whereas, At the time of Ronald Reagan's first inauguration in 1981, our nation confronted sustained inflation and high unemployment; and

Whereas, President Reagan's administration worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to Government, leading to unprecedented economic expansion and opportunity for millions of Americans; and

Whereas, President Reagan's commitment to an active social policy agenda for the nation's children reduced crime and drug use in our neighborhoods; and

Whereas, President Reagan's commitment to our armed forces restored national pride and respect for values which were cherished and shared by the free world and readied America's military defenses; and

Whereas, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

Whereas, On February 6, 2002, President Reagan reaches 91 years of age, and we honor our nation's oldest living former president as a great American who restored pride and faith in our country; therefore be it

*Resolved*, That the House of Representatives designate February 6, 2002, as "Ronald Reagan Day" in this Commonwealth; and be it further

*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-223. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the Individuals with Disabilities Education Act; to the Committee on Appropriations.

## HOUSE JOINT RESOLUTION No. 30

Whereas, the Education for All Handicapped Children's Act, commonly known as P.L. 94-142, was enacted on November 29, 1975; and

Whereas, in 1990 the Education for All Handicapped Children's Act was renamed and reauthorized as the Individuals with Disabilities Education Act (IDEA), P.L. 101-476; and

Whereas, this federal law entitles disabled children to a free appropriate public education in the least restrictive environment; and

Whereas, as a result of this law, millions of children with disabilities attend public schools today, and steady progress has been made in their education, enabling many of

them to complete high school and college; and

Whereas, special education has, however, historically been underfunded by the federal government since the enactment of the original mandates in 1975; and

Whereas, the law stipulates that the maximum federal grant is 40 percent of the national costs of public elementary and secondary education and Congress established its intention to meet this goal by 1980; and

Whereas, in fact, 34 C.F.R. §300.701(b) provides that the maximum amount of the grant that may be received by the states is the number of children with disabilities aged 3 through 21 in the state who are receiving special education and related services, multiplied by 40 percent of "the average per-pupil expenditure in public elementary and secondary schools in the United States"; and

Whereas, by 1982 federal funding to defray state and local costs of implementing the law was approximately 40 percent of the total national costs of special education programs and services; and

Whereas, in 1997, however, IDEA was significantly revised by Congress to add new federal mandates that substantially increased the costs of special education in Virginia and across the nation; and

Whereas, although the federal government has committed itself to providing 40 percent of the average per pupil expenditure for funding special education programs in public elementary and secondary schools, the current funding provided to Virginia for special education is only approximately 12 percent of the actual costs to the Commonwealth and its localities; and

Whereas, in 1995 the federal government passed the "Unfunded Mandates Reform Act of 1995," P.L. 104-4, providing that "the Federal Government should not shift certain costs to the States, and the States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes"; and

Whereas, because special education programs and services are very expensive, and federal funding has consistently been inadequate, states and localities have been bearing great fiscal burdens for these federally mandated programs; and

Whereas, the federal government should honor its commitment to fund special education and its obligation to avoid shifting the costs for federal mandates to state and local governments; now, therefore, be it

*Resolved* by the House of Delegates, the Senate Concurring, That the Congress of the United States be urged to honor its commitment to fully fund the federal share of the special education costs required by the Individuals with Disabilities Education Act, P.L. 105-17, as amended, at the 40 percent level; and, be it

*Resolved further*, That Congress be encouraged to move the Individuals with Disabilities Education Act to the mandatory-spending category; and, be it

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

POM-224. A concurrent resolution adopted by the Legislature of the State of South Dakota relative to the Black Hills National Forest; to the Committee on Energy and Natural Resources.

## HOUSE CONCURRENT RESOLUTION No. 1018

Whereas, catastrophic wildfires not only cause environmental damage to forests and

other lands but place the lives of firefighters at risk and pose threats to human health, personal property, sustainable ecosystems, wildlife habitat, air quality, and water quality; and

Whereas, the seriousness of the fire risk in the national forests has been well documented by both the General Accounting Office and the United States Forest Service; and

Whereas, research and experience have shown that forest management, including thinning, forest restoration, grazing, measures to control insects and disease, and small-scale prescribed burning, can be an effective long-term strategy for reducing the risk of catastrophic wildfires and insect epidemics, especially in ponderosa pine forests, such as the Black Hills National Forest; and

Whereas, the mountain pine beetle epidemic now occurring in the Black Hills National Forest has already increased the risk of forest fires in the Black Hills, possibly endangering the lives and property of the citizens of South Dakota; and

Whereas, the national forests are the property of all the residents of the United States, but the residents who live the closest to the national forests are the ones who will be the most impacted by decisions about how to manage those national forests; and

Whereas, since the inception of the National Forest System, its supporters have recognized the importance of the support of local residents; and

Whereas, local governments and residents of South Dakota now find themselves extremely frustrated at the failure of the Forest Service to deal proactively with the mountain pine beetle epidemic in the Black Hills, and especially with the Forest Service's inclination to base decisions more on directives and policies from Washington, D.C., than on the management needs of the Black Hills National Forest or the concerns and issues of local communities and governments in South Dakota; and

Whereas, a measure of this frustration has been the overwhelming support for the concepts embodied in House Bill 1236, which was introduced during the 2002 Session of the South Dakota Legislature: Now, therefore, be it

*Resolved*, by the House of Representatives of the Seventy-seventh Legislature of the State of South Dakota, the Senate concurring therein, that, in the interest of protecting the health and integrity of United States forests, wildlife habitats, watersheds, air quality, human health and safety, and private property, the United States should redefine its working relationship with state and local governments, communities, and residents of South Dakota to ensure that the people who will be the most affected by United States Forest Service decisions will receive the highest level of consideration in those decisions; and be it further

*Resolved*, That the United States Forest Service should (1) Fully implement the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment" to reduce overabundance of forest fuels that place these resources at high risk of catastrophic wildfire; and (2) Utilize an appropriate mix of fire-prevention activities and management practices including forest restoration, thinning of at-risk forest stands, grazing, selective tree removal and other measures to control insects and pathogens, removal of excessive ground fuels, and small-scale prescribed burns; and be it further

*Resolved*, That South Dakota's Congressional Delegation is requested to help enact legislation that will allow the United States Forest Service to implement on-the-ground

steps to reduce the risk of catastrophic wildfire in Beaver Park and other high risk areas in the Black Hills National Forest prior to the 2002 fire season; and be it further

*Resolved*, That the Black Hills National Forest should be strongly considered for designation as a "Charter Forest," as presented in the President's FY 2003 Budget Request to Congress; and be it further

*Resolved*, That the Secretary of State is hereby authorized and directed to forward a copy of this Resolution to the Honorable President of the United States, George W. Bush; the Secretary of Agriculture, Ann Veneman; the United States Forest Service Chief, Dale N. Bosworth; the President of the Senate and the Speaker of the House of Representatives of the United States Congress; and the Congressional Delegation representing the State of South Dakota in the Congress of the United States.

POM-225. An engrossed resolution adopted by the General Assembly of the State of Wisconsin relative to Puerto Rico; to the Committee on Energy and Natural Resources.

#### ENGROSSED RESOLUTION 46

Whereas, in 1898, the United States, aided by a significant number of Puerto Rican citizens, defeated the Spanish in the Spanish-American War; and

Whereas, the Treaty of Paris signed by the United States on December 10, 1898, and ratified by the United States on February 6, 1899, formally ended the Spanish-American War and established Puerto Rico as a territory of the United States; and

Whereas, persons born in Puerto Rico have been and are U.S. citizens since 1917 but do not possess full citizenship rights and the people of Puerto Rico do not enjoy representative democracy as a state of the Union or as an independent republic; and, although U.S. citizens, they are not permitted to vote in U.S. presidential elections and have no voting representation in the U.S. Congress; and

Whereas, despite the fact that over 200,000 Puerto Ricans have fought in all wars participated in by the United States since World War I, including our current war against terrorism, and nearly 2,000 have sacrificed their lives for democratic principles and self-determination, and 4 of them have received the Congressional Medal of Honor, yet they are not allowed to vote for their Commander-in-Chief; and

Whereas, Puerto Ricans pay all federal taxes except income and estate taxes, but they receive lower levels of federal benefits than residents of the States, and are excluded from or have limited participation in certain federal programs; and

Whereas, the current status is not helping the economy of Puerto Rico and federal economic policy has fostered dependence, caused massive capital flight, and a tremendous brain drain; and the subsidizing of the present colonial relationship costs U.S. taxpayers approximately \$15 billion per year; and

Whereas, a resolution of the status issue would bring stability and economic development to the island that would sharply reduce or eliminate this burden on our taxpayers; and

Whereas, ever since the transition to commonwealth status in 1952, the majority of the people of Puerto Rico have sought an end to their status as a "territory"; and

Whereas, in over 100 years of U.S. sovereignty, the U.S. government has never formally consulted the American citizens of Puerto Rico on their political status preference, and in 1997 the legislature of Puerto Rico formally petitioned the U.S. Congress to respond to the democratic aspirations of the U.S. citizens of Puerto Rico by means of

a federally sanctioned plebiscite to be held no later than 1998, and Congress has not yet responded to this petition; and

Whereas, Puerto Rico has held 2 non-binding referendums since 1993, and the most recent one indicated that only 0.06% of the population are satisfied with the status quo of being a territorial commonwealth, confirming that there is no longer the consent of the governed for the existing territorial status; and

Whereas, self-determination means presenting the U.S. citizens of Puerto Rico with an informed choice among valid, noncolonial status alternatives outlined in a clear, unambiguous plebiscite consistent with the U.S. Constitution; and

Whereas, the state of Wisconsin has a significant Puerto Rican community and an ever-increasing Hispanic population which has and continues to contribute to the state's economy and well-being; and

Whereas, the experience of the people of Wisconsin in resolving their own territorial status in 1848, after 65 years as a territory, makes them sympathetic to the aspirations of the people of Puerto Rico to resolve their own political status; now, therefore, be it

*Resolved by the assembly*, That the members of the Wisconsin assembly request that the U.S. Congress and the President of the United States enact legislation that would define the political status options available to the U.S. citizens of Puerto Rico and authorize a plebiscite to provide for Puerto Ricans to make an informed decision regarding the island's future political status; and, be it further

*Resolved*, That the members of the Wisconsin assembly request the Wisconsin congressional delegation to actively promote and support timely action on this important national issue; and, be it further

*Resolved*, That the assembly chief clerk shall transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the U.S. House of Representatives, the Majority Leader of the U.S. Senate, the Chairman of the U.S. Senate Energy and Natural Resources Committee, the Chairman of the U.S. House of Representatives Resources Committee, and each senator and representative from Wisconsin in the Congress of the United States.

POM-226. A concurrent resolution adopted by the Senate of the General Assembly of the State of Iowa relative to Upper Mississippi and Illinois River Inland Waterways Transportation System; to the Committee on Appropriations.

#### SENATE CONCURRENT RESOLUTION NO. 104

Whereas, over 360 miles of the Upper Mississippi River and 11 navigation locks and dams are contained on the border of or in the state of Iowa; and

Whereas, there are approximately 70 manufacturing facilities, terminals, and docks on the waterways of Iowa, providing thousands of jobs in this state; and

Whereas, the construction of the lock and dam system has spurred economic growth and a higher standard of living in the Mississippi and Illinois river basin, and today supplies more than 300 million tons of the nation's cargo, supporting more than 400,000 jobs, including 90,000 in manufacturing; and

Whereas, more than 60 percent of American agricultural exports including corn, wheat, and soybeans are shipped down the Mississippi and Illinois rivers to foreign markets; and

Whereas, Iowa agricultural producers, industry, and consumers rely on efficient transportation to remain competitive in a global economy, with efficiencies in river transport offsetting higher costs compared

to those incurred by foreign competitors; and

Whereas, the Upper Mississippi and Illinois lock and dam system annually saves our nation more than \$1.5 billion in higher transportation costs; and

Whereas, approximately 17 million tons of commodities and products including grain, coal, chemicals, and aggregates are annually shipped to, from, and within Iowa by barge, representing \$2.7 billion in value; and

Whereas, shippers moving by barge in Iowa realize an annual savings of approximately \$170 million compared to other transportation modes; and

Whereas, Iowa docks ship commodities and products by barge to 14 states and receives commodities and products from 18 states; and

Whereas, river transportation is the most environmentally benign form of transporting commodities and products, creating minimal levels of noise pollution, and emitting 35 to 60 percent fewer pollutants than trucks or trains, according to the United States Environmental Protection Agency; and

Whereas, decreasing river transport capacity would add millions of trucks and railcars to our nation's transportation infrastructure, dramatically increasing air pollution, traffic congestion, and highway maintenance costs; and

Whereas, lakes and wildlife refuges created by the lock and dam system provide habitat and breeding grounds for migratory waterfowl and fish; and

Whereas, the lakes and 500 miles of wildlife refuge along the Upper Mississippi and Illinois river basin support a \$1 billion-a-year recreational industry, including hunting, fishing, and tourism; and

Whereas, many of Iowa's locks and dams are more than 60 years old and only 600 feet in length, making them unable to accommodate modern barge tows of up to 1,200 feet long, nearly tripling locking times and causing lengthy delays and ultimately increasing shipping costs; and

Whereas, the expansion and modernization of locks has been proven nationwide as the best method of optimizing efficiency, reducing congestion, and providing for additional safety of inland waterway administration; and

Whereas, failing to construct 1,200-foot locks will force agricultural producers and industry to use more expensive alternative modes of transportation, including road and rail systems; and

Whereas, according to the United States Army Corps of Engineers, congestion along the Upper Mississippi and Illinois rivers costs agricultural producers and consumers in the basin \$98 million per year in higher transportation costs; and

Whereas, upgrading the system of locks and dams on the Upper Mississippi and Illinois rivers will provide 3,000 construction and related jobs over a 15-year to 20-year period; Now, therefore, be it

*Resolved by the Senate, the House of Representatives concurring*, That the General Assembly recognizes the importance of the Upper Mississippi and Illinois Rivers Inland Transportation System to the economic prosperity and ecological vitality of the state, the region, and the nation, and urges the United States Congress to provide immediate funding to modernize its lock and dam infrastructure. Be it further

*Resolved*, That the Secretary of the Senate send copies of this concurrent resolution to the President of the United States; the Chief of Engineers and Commander of the United States Corps of Engineers; the President of the United States Senate; the Speaker of the United States House of Representatives; the Chair of the Senate Committee on Commerce, Science, and Transportation; the

Chair of the United States Senate Committee on Agriculture, Nutrition and Forestry; the Chair of the House of Representatives Committee on Transportation and Infrastructure; the Chair of the United States House of Representatives Committee on Agriculture; and Iowa's congressional delegation.

POM-227. A petition from the Republic of the Marshall Islands relative to nuclear testing; to the Committee on Energy and Natural Resources.

POM-228. A resolution adopted by the City Commission of the City of Coconut Creek, Florida, relative to September 11, 2001; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 928. A bill to amend the Age Discrimination in Employment Act of 1967 to require, as a condition of receipt or use of Federal financial assistance, that States waive immunity to suit for certain violations of that Act, and to affirm the availability of certain suits for injunctive relief to ensure compliance with that Act. (Rept. No. 107-142).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with amendments:

H.R. 169. A bill to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, and for other purposes. (Rept. No. 107-143).

#### 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 Mrs. CARNAHAN (for herself, Ms. MIKULSKI, and Mr. JEFFORDS):

S. 2122. A bill to provide for an increase in funding for research on uterine fibroids through the National Institutes of Health, and to provide for a program to provide information and education to the public on such fibroids; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON:

S. 2123. A bill to suspend temporarily the duty on triethyleneglycol-bis-(3-tert-butyl-4-hydroxy-5-methylphenyl) propionate; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2124. A bill to suspend temporarily the duty on hand-held radio scanners; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2125. A bill to suspend temporarily the duty on mobile and base radio scanners that are combined with a clock; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2126. A bill to suspend temporarily the duty on mobile and base radio scanners that are not combined with a clock; to the Committee on Finance.

By Mr. INOUE:

S. 2127. A bill for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself and Mr. HUTCHINSON):

S. 2128. A bill to designate the United States courthouse located at 600 West Cap-

itol Avenue in Little Rock, Arkansas, as the "Richard S. Arnold United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 2129. A bill to amend the Internal Revenue Code of 1986 to clarify that any home-based service worker is an employee of the administrator of home-based service worker program funding; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2130. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2131. A bill to amend the Internal Revenue Code of 1986 to adjust the dollar amounts used to calculate the credit for the elderly and the permanently disabled for inflation since 1985; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. BAYH, Mr. LOTT, Mr. BREAUX, Mr. ALLARD, Mr. CLELAND, Mr. BUNNING, Ms. LANDRIEU, Mr. CRAIG, Mrs. LINCOLN, Mr. DEWINE, Mr. WYDEN, Mr. FRIST, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOPE, Mr. MCCAIN, Mr. SHELBY, Mr. SMITH of Oregon, and Mr. WARNER):

S. J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 240. A resolution to authorize representation by the Senate Legal Counsel in Aaron Raiser v. Honorable Tom Daschle, et al; considered and agreed to.

By Mr. ROCKEFELLER (for himself, Mr. BYRD, Mr. HATCH, Mr. REID, Mr. DASCHLE, and Mr. DURBIN):

S. Res. 241. A concurrent resolution designating April 11, 2002, as "National Alternative Fuel Vehicle Day"; considered and agreed to.

By Mr. CRAIG:

S. Con. Res. 101. A concurrent resolution extending birthday greetings and best wishes to Lionel Hampton on the occasion of his 94th birthday; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 313

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for Farm, Fishing, and Ranch Risk Management Accounts, and for other purposes.

S. 338

At the request of Mr. ENSIGN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 338, a bill to protect amateur athletics and combat illegal sports gambling.

S. 710

At the request of Mr. KENNEDY, the names of the Senator from Massachu-

setts (Mr. KERRY), the Senator from Nevada (Mr. REID), and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1476

At the request of Mr. CLELAND, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1476, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1777

At the request of Mrs. CLINTON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1777, a bill to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes.

S. 1864

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1864, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 1878

At the request of Mrs. HUTCHISON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1878, a bill to establish programs to address the health care needs of residents of the United States-Mexico Border Area, and for other purposes.

S. 1899

At the request of Mr. BROWNBACK, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1917

At the request of Mr. JEFFORDS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the