

Murkowski	Shelby	Thomas
Nickles	Smith (NH)	Thompson
Roberts	Smith (OR)	Thurmond
Roth	Snowe	Voinovich
Santorum	Specter	Warner
Sessions	Stevens	

The motion was rejected.

VOTE ON MOTION FOR APPEARANCE OF  
WITNESSES AND ADMISSION OF EVIDENCE

The CHIEF JUSTICE. Now the question occurs on the motion requesting the appearance of witnesses at depositions to admit evidence offered by the managers on the part of the House of Representatives. On this question, the yeas and nays are required, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 5]

[Subject: House managers motion to subpoena witnesses and admit evidence not in record]

YEAS—56

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Demonici	Lugar	Voinovich
Enzi	Mack	Warner
Feingold	McCain	

NAYS—44

Akaka	Edwards	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

The motion was agreed to.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, as I indicated earlier, we are attempting now to clarify exactly how this will proceed and to reach agreement with regard to the remaining procedure and the beginning of the deposition process.

We are acting in good faith, but we want to make sure we are at least going to try to think about all contingencies, and we are exchanging resolutions and suggestions between Senator DASCHLE and myself at this time. We may be asked to vote later on today on a procedure. We will let you know if that is necessary today. It could happen tomorrow. But we don't want it to go much longer than that because we need to make sure this procedure is going forward.

Of course, if we don't have a resolution, I presume we will begin to go forward anyway, but we would like to

have some orderly procedure as we have had in the past. My thinking at this time is that we would just stand in recess subject to the call of the Chair while we talk this through. It may not be necessary to do anything further as far as a recorded vote but it may be. So we just wanted Senators to be on notice of that.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Therefore, I ask unanimous consent, Mr. Chief Justice, that the Senate stand in recess subject to the call of the Chair.

There being no objection, at 1:33 p.m., the Senate recessed subject to the call of the Chair.

The Senate reassembled at 4:47 p.m. when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice.

First, I thank all the Members, all concerned, for their patience throughout this process. We have had a productive day, and I believe this recess that we have been experiencing has been helpful in allowing further discussions to occur and to clarify what the procedures will be from here through the subpoena and deposition process and, hopefully, even to a conclusion.

Senator DASCHLE and I have traded proposals which outline those procedures for the remainder of the trial, and although I won't go into detail at this time, I will say that both proposals bring us to a final vote on the pending articles of impeachment in an expeditious manner. We have been narrowing the questions that are involved, and we are now working on what I hope will be the final draft. But it is not going to be possible to complete that this afternoon. We hope to be able to do it when we reconvene at 1 p.m. on Thursday.

There will be conferences of the two parties in the morning so that we can go over this with all the Senators. It is not enough just that the leaders understand or agree; we have to make sure every Senator understands it and agrees with the procedure that we would go forward with.

ADJOURNMENT UNTIL 1 P.M.  
TOMORROW

Mr. LOTT. I now ask unanimous consent that the Court of Impeachment stand in adjournment until the hour of 1 p.m. on Thursday.

There being no objection, at 4:47 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Thursday, January 28, 1999, at 1 p.m.

(Under a previous order, the following material was submitted at the desk during today's session.)

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated:

EC-995. A communication from the Comptroller General of the United States, transmitting, an updated report on statistics regarding rescissions proposed by the executive branch and rescissions enacted by the Congress through October 1, 1998; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and to the Committee on the Budget.

EC-996. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the Agency's report on activities under Title XII-Famine Prevention and Freedom From Hunger; to the Committee on Foreign Relations.

EC-997. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (ND-037-FOR) received on January 5, 1999; to the Committee on Energy and Natural Resources.

EC-998. A communication from the Chairman of the National Safety Council, transmitting, pursuant to law, the Council's combined financial statements for the years ended June 30, 1998 and 1997; to the Committee on the Judiciary.

EC-999. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of fund transfers for fiscal years 1997 and 1998; to the Committee on Armed Services.

EC-1000. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Lead Agency Responsibility" (RIN3206-AI48) received on January 4, 1999; to the Committee on Governmental Affairs.

EC-1001. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Pay Administration (General); Collection by Offset from Indebted Government Employees" (RIN3206-AH63) received on January 4, 1999; to the Committee on Governmental Affairs.

EC-1002. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Endowment's annual report under the Integrity Act for calendar year 1998; to the Committee on Governmental Affairs.

EC-1003. A communication from the Administrator of the Rural Utilities Service, transmitting, pursuant to law, the report of a rule entitled "Electric Overhead Distribution Lines; Specifications and Drawings for 24.9/14.4 kV Line Construction" received on January 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1004. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Addition to Quarantined Areas" (Docket 98-113-1) received on January 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1005. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of a rule entitled "Protection of Individual Privacy in Records" (RIN1290-AA16) received on November 6, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-1006. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of a rule entitled "Process for

Electing State Agency Representatives for Consultations with Department of Labor Relating to Nationwide Employment Statistics System" (RIN1290-AA19) received on December 30, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-1007. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (63 FR28268) received on January 4, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-1008. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "India and Pakistan Sanctions and Other Measures" (RIN0694-AB73) received on November 16, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-1009. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Encryption Items" (0694-AB80) received on January 4, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-1010. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Welfare-to-Work Data Collection" (RIN0970-AB92) received on November 6, 1998; to the Committee on Finance.

EC-1011. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fee Structure for the Transfer of U.S. Treasury Book-Entry Securities Held on the National Book-Entry System" received on November 17, 1998; to the Committee on Finance.

EC-1012. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offset of Tax Refund Payments to Collect Past-Due Support" (RIN1510-AA63) received on December 30, 1998; to the Committee on Finance.

EC-1013. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Johannisberg Riesling; Deferral of Compliance Date" (RIN1512-AB81) received on January 5, 1999; to the Committee on Finance.

EC-1014. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "1999 Limitations Adjusted As Provided in Section 415(d), Etc." (Notice 98-53) received on November 17, 1998; to the Committee on Finance.

EC-1015. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding the availability of funds under the Telecommunications and Information Infrastructure Assistance Program (RIN0660-ZA06) received on January 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1016. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Expedited Relief for Service Inadequacies" (STB Ex No. 628) received on January 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1017. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of

a rule entitled "Market Dominance Determinations—Product and Geographic Competition" (STB Ex No. 627) received on January 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1018. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Export of River Otters Taken in Missouri in the 1998-1999 and Subsequent Seasons" (RIN1018-AF23) received on January 4, 1999; to the Committee on Environment and Public Works.

EC-1019. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Enforcement Policy; Discretion Involving Natural Events" (NUREG-1600, Rev. 1) received on January 5, 1999; to the Committee on Environment and Public Works.

EC-1020. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Consolidated Guidance About Materials Licenses: Program-Specific Guidance about Fixed Gauge Licenses" (NUREG-1556, V.4) received on January 5, 1999; to the Committee on Environment and Public Works.

EC-1021. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Consolidated Guidance About Materials Licenses: Program-Specific Guidance about Exempt Distribution Licenses" (NUREG-1556, V.8) received on January 5, 1999; to the Committee on Environment and Public Works.

EC-1022. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Consolidated Guidance About Materials Licenses: Program-Specific Guidance about Self-Shielded Irradiator Licenses" (NUREG-1556, V.58) received on January 5, 1999; to the Committee on Environment and Public Works.

EC-1023. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Illinois" (FRL6216-2) received on January 4, 1999; to the Committee on Environment and Public Works.

EC-1024. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Allocation of 1999 Essential-Use Allowances" (FRL6217-1) received on January 4, 1999; to the Committee on Environment and Public Works.

EC-1025. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Unregulated Contaminant Monitoring Requirements for Small Public Water Systems" (FRL6216-9) received on January 4, 1999; to the Committee on Environment and Public Works.

EC-1026. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebuconazole; Pesticide Tolerance" (FRL6050-5) received on January 4, 1999; to the Committee on Environment and Public Works.

EC-1027. A communication from the General Counsel of the Federal Emergency Man-

agement Agency, transmitting, pursuant to law, the report of a rule entitled "Debt Collection" (63 FR1063) received on January 4, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-1028. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program; Removal of Form" (63 FR27856) received on January 4, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-1029. A communication from the President of the United States, transmitting, pursuant to law, notice that the national emergency with respect to Libya is to continue in effect beyond January 7, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-1030. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency with respect to Libya dated December 30, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-1031. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC-1032. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the Commission's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC-1033. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Billfishes; Atlantic Blue Marlin and Atlantic White Marlin Size Limits; Billfish Tournament Notification Requirements" (I.D. 020398B) received on December 30, 1998; to the Committee on Commerce, Science, and Transportation.

EC-1034. A communication from the Associate Managing Director for Performance Evaluation and Records Management, transmitting, pursuant to law, the report of a rule entitled "Direct Broadcast Satellite Public Interest Obligations" (Docket 93-25) received on December 29, 1998; to the Committee on Commerce, Science, and Transportation.

EC-1035. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's report on Regular Trade Adjustment Assistance for the fourth quarter of fiscal year 1998; to the Committee on Finance.

EC-1036. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding the withholding of income tax on certain U.S. source income payments to foreign persons (RIN1545-AW39) received on January 4, 1999; to the Committee on Finance.

EC-1037. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Arbitrage Restrictions on Tax-Exempt Bonds" (RIN1545-AU39) received on January 4, 1999; to the Committee on Finance.

EC-1038. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's report on the Employment Retirement Income Security Act for calendar years 1995-1997; to the Committee on Health, Education, Labor, and Pensions.

EC-1039. A communication from the Chief Executive Officer, Corporation for National Service, transmitting, pursuant to law, the Corporation's annual report for 1997; to the Committee on Health, Education, Labor, and Pensions.

EC-1040. A communication from the Secretary of the Army, transmitting, pursuant to law, notice of the intention to interchange jurisdiction of civil works and national forest lands at Table Rock Lake, Missouri; to the Committee on Environment and Public Works.

EC-1041. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Accidental Release Prevention Requirements; Risk Management Programs Under Clean Air Section 112(r)(7); Amendments" (FRL6214-9) received on January 4, 1999; to the Committee on Environment and Public Works.

EC-1042. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Designation of Areas for Air Quality Planning Purposes; Florida: Redesignation of the Duval County Sulfur Dioxide Unclassifiable Area to Attainment" (FRL6196-8) received on January 4, 1999; to the Committee on Environment and Public Works.

EC-1043. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Picloram; Time-Limited Pesticide Tolerances" (FRL6039-4) received on January 4, 1999; to the Committee on Environment and Public Works.

EC-1044. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of the National Primary Drinking Water Regulations: Analytical Methods for Regulated Drinking Water Contaminants; Direct Final Rule" (FRL6212-4) received on January 4, 1999; to the Committee on Environment and Public Works.

EC-1045. A communication from the Secretary of Defense, transmitting, pursuant to law, the Department's 1999 report on National Defense Stockpile Requirements; to the Committee on Armed Services.

EC-1046. A communication from the Under Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, a foreign policy report regarding firearms and explosives control changes received on January 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-1047. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments Under the Investment Advisers Act of 1940" (RIN3235-AH59) received on January 11, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-1048. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Import of Polar Bear Trophies from Canada: Addition of Populations to the List of Areas Approved for Import" (RIN1018-AE26) received on January 5, 1999; to the Committee on Environment and Public Works.

EC-1049. A communication from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Bureau of Justice Assistance's annual report for fiscal

year 1997; to the Committee on the Judiciary.

EC-1050. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (SPATS No. OK-024-FOR) received on January 14, 1999; to the Committee on Energy and Natural Resources.

EC-1051. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Illinois Abandoned Mine Land Reclamation Plan" (SPATS No. IL-093-FOR) received on January 14, 1999; to the Committee on Energy and Natural Resources.

EC-1052. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, transmitting, pursuant to law, the report of a rule entitled "Montana Regulatory Program and Abandoned Mine Land Reclamation Plan" (SPATS No. MT-017-FOR) received on January 14, 1999; to the Committee on Energy and Natural Resources.

EC-1053. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Montana Regulatory Program" (SPATS No. MT-018-FOR) received on January 14, 1999; to the Committee on Energy and Natural Resources.

EC-1054. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits" received on January 12, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-1055. A communication from the Executive Director of the United States Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report of a rule entitled "Americans With Disabilities Act; Accessibility Guidelines; Detectable Warnings" (RIN3014-AA24) received on December 1, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-1056. A communication from the Executive Director of the United States Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report of a rule entitled "Transportation for Individuals with Disabilities" (RIN2105-AC00) received on October 20, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-1057. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a draft of proposed legislation entitled "The Federal Employees Group Long-Term Care Insurance Act"; to the Committee on Governmental Affairs.

EC-1058. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's report regarding the implementation of, and compliance with, the Federal Advisory Committee Act; to the Committee on Governmental Affairs.

EC-1059. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC-1060. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's report on smokeless tobacco sales, ad-

vertising, and promotional expenditures data for 1996 and 1997; to the Committee on Commerce, Science, and Transportation.

EC-1061. A communication from the Associate Managing Director for Performance Evaluation and Records Management, transmitting, pursuant to law, the report of a rule regarding the 1998 Biennial Regulatory Review of Broadcast Station Call Sign Assignments (Docket 98-98) received on January 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1062. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule regarding the allocation of Spectrum for Fixed-Satellite Services, Wireless Services, and Government Operations (Docket 97-95) received on January 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1063. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Federal-State Joint Board on Universal Service" (Docket 96-45) received on January 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1064. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup and Black Sea Bass Fisheries; Summer Flounder Commercial Quota Transfer From North Carolina to Virginia" (I.D. 1215981) received on December 30, 1998; to the Committee on Commerce, Science, and Transportation.

EC-1065. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in Michigan, et al.; Final Free and Restricted Percentages for the 1998-99 Crop Year for Tart Cherries" (Docket FV98-930-1 FR) received on January 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1066. A communication from the Deputy Under Secretary for Natural Resources and Environment, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares" (RIN0596-AB62) received on January 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1067. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Disaster Set-Aside Program—Second Installment Set-Aside" (RIN0560-AF65) received on January 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1068. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Captive Cervids" (Docket 92-076-2) received on January 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1069. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Fruits and Vegetables" (Docket 97-107-3) received on January 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1070. A communication from the President of the United States, transmitting, pursuant to law, the Administration's report on a comprehensive plan for responding to the increase in steel imports; to the Committee on Finance.

EC-1071. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures For The Issuance, Denial, And Revocation Of Certificates Of Label Approval, Certificates Of Exemption From Label Approval, And Distinctive Liquor Bottle Approvals" (RIN1512-AB34) received on January 11, 1999; to the Committee on Finance.

EC-1072. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Book-Entry Treasury Bonds, Notes and Bills" (No. 2-86) received on January 7, 1999; to the Committee on Finance.

EC-1073. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Permitted Disparity with Respect to Employer-Provided Contributions or Benefits" (Rev. Rul. 98-53) received on November 17, 1998; to the Committee on Finance.

EC-1074. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rulings and Determination Letters" (Rev. Proc. 99-8) received on January 4, 1999; to the Committee on Finance.

EC-1075. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 99-2) received on January 4, 1999; to the Committee on Finance.

EC-1076. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rulings and Determination Letters" (Rev. Proc. 99-5) received on January 4, 1999; to the Committee on Finance.

EC-1077. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Payment of Employment Taxes with Respect to Disregarded Entities" (Rev. Proc. 99-6) received on January 5, 1999; to the Committee on Finance.

EC-1078. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rulings and Determination Letters" (Rev. Proc. 99-1) received on January 5, 1999; to the Committee on Finance.

EC-1079. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rulings and Determination Letters" (Rev. Proc. 99-6) received on January 5, 1999; to the Committee on Finance.

EC-1080. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Low-Income Housing Credit" (Rev. Rul. 99-1) received on January 11, 1999; to the Committee on Finance.

EC-1081. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Proposed Changes to Final With-

holding Regulations Under Section 1441; Proposed Model Qualified Intermediary Withholding Agreement" (Notice 99-8) received on January 15, 1999; to the Committee on Finance.

EC-1082. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Closing Agreements" (Rev. Proc. 99-13) received on January 15, 1999; to the Committee on Finance.

EC-1083. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Traveling Expenses" (Rev. Proc. 99-7) received on January 15, 1999; to the Committee on Finance.

EC-1084. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Timely Mailing Treated as Timely Filing/Electronic Postmark" (RIN1545-AW82) received on January 15, 1999; to the Committee on Finance.

EC-1085. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the United States Government Annual Report for fiscal year 1998; to the Committee on Finance.

EC-1086. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Low-Income Housing Credit" (Rev. Proc. 99-1) received on January 11, 1999; to the Committee on Finance.

#### 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. SHELBY (for himself, Mr. DODD, Mr. GRAMM, Mr. SARBANES, Mr. MURKOWSKI, Mr. LOTT, Mr. MACK, Mr. CRAIG, and Mr. BROWNBACK):

S. 313. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND (for himself, Mr. KERRY, Mr. BENNETT, Mr. DODD, Ms. SNOWE, and Mr. MOYNIHAN):

S. 314. A bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. ASHCROFT (for himself, Mr. HARKIN, Mr. BOND, Mr. BAUCUS, Mr. BURNS, Mr. DURBIN, Mr. GORTON, Mr. GRAMS, Mr. HAGEL, and Mr. INHOFE):

S. 315. A bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY (for himself, Ms. MIKULSKI, Mr. WELLSTONE, and Mr. KERRY):

S. 316. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve the availability of child care and development services during periods outside normal school hours, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY (for himself, Mr. DODD, Mr. GRAMM, Mr. SARBANES, Mr. MURKOWSKI, Mr. LOTT, Mr. MACK, Mr. CRAIG, and Mr. BROWNBACK):

S. 313. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

PUBLIC UTILITY HOLDING COMPANY ACT OF 1999

• Mr. SHELBY. Mr. President, I rise today to introduce the Public Utility Holding Company Act of 1999. This bipartisan bill is designed to help America's energy consumers by repealing an antiquated law that is keeping the benefits of competition from reaching our citizens. I am pleased to be joined by Senator DODD, Senators GRAMM and SARBANES, Chairman and Ranking Member of the Committee on Banking, Housing and Urban Affairs, Senator MURKOWSKI, Chairman of the Energy and Natural Resources Committee, Majority Leader LOTT, and Senators MACK, CRAIG, and BROWNBACK in introducing this important legislation. Our bill, which is identical to legislation voted out of the Senate Banking Committee with bipartisan support in the 105th Congress, repeals the Public Utility Holding Company Act of 1935 (PUHCA).

The original PUHCA legislation passed over 60 years ago in 1935. At that time, a few large holding companies controlled a great majority of the electric utilities and gas pipelines. No longer is a majority of the utility service offered by so few a provider. In fact, over 80 percent of the utility holding companies are currently exempt from PUHCA.

This legislation implements the recommendations of the Securities and Exchange Commission (SEC) made first in 1981 and then again in 1995 following an extensive study of the effects of this antiquated law on our energy markets. In the 1995 report entitled, "The Regulation of Public-Utility Holding Companies," the Division of Investment Management recommended that Congress conditionally repeal the Act since "the current regulatory system imposes significant costs, indirect administrative charges and foregone economies of scale and scope . . ."

The regulatory restraints imposed by PUHCA on our electric and gas industries are counterproductive in today's global competitive environment and are based on historical assumptions and industry models that are no longer valid. Repeal will not create regulatory gaps; the ability of the States to regulate holding company systems, together with the Federal Energy Regulatory Commission's powers under the Federal Power Act and the Natural Gas Act render PUHCA redundant.

Our bill assures the FERC and the States access to the books and records