STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. CAMPBELL (for himself, Mr. BINGAMAN, and Mr. KYL):

S. 2872. A bill to improve the cause of action for misrepresentation of Indian arts and crafts; to the Committee on Indian Affairs.

INDIAN ARTS AND CRAFTS ENFORCEMENT ACT OF 2000

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senators BINGAMAN and KYL in introducing legislation that makes much-needed amendment to the Indian Arts and Crafts Act of 1990 (the Act).

In 1989 and 1990 I had the pleasure of working on legislation that became the 1990 Act which was enacted with two goals in mind: (1) to promote the market for Indian arts and crafts; and (2) to enforce the provisions of the Act to protect the integrity of authentic Indian goods and Indian artisans.

Today's market for Indian-made goods is roughly $1 billion, but by some estimates half of that demand, or nearly $500 million, is satisfied by counterfeit goods, much of which is produced off-shore and imported illegally into the United States.

The growing influx of inauthentic Indian arts and crafts has not only weakened the market and consumer confidence in Indian goods, but has also endangered traditional Indian customs and practices.

Native communities are plagued by rampant unemployment and a stagnant economy, and the growing influx of inauthentic Indian arts and crafts continues to decimate one of the few forms of entrepreneurship and economic development on Indian reservations.

In addition, this influx also erodes the propagation and practice of traditional beliefs and customs by Native people and must be stopped for that reason alone.

Under the existing Act, the Indian Arts and Crafts Board (''IACB'') is charged with not only promoting Indian arts and crafts, but also has a key role in the enforcement of the Act's civil and criminal provisions. In this role the IACB is required by law to work with the Department of justice to bring complaints against potential violators of the Act.

As of July, 2000, neither the IACB nor the Department of Justice have produced the kind of enforcement results Congress intended when it enacted the 1990 Act. In fact, there has yet to be a single criminal or civil prosecution of the Act, with Indian tribes themselves being forced to take up the slack.

The bill that I am introducing today, would improve enforcement of the Act by (1) enhancing the ability of the plaintiff to assess and calculate damages; (2) authorizing Indian arts and crafts organizations and individual Indians to bring suit for alleged violations of the Act; (3) authorizing a portion of the damages collected to reimburse the IACB for the costs of its role in investigating and bringing about the successful prosecution of the suit; and (4) requiring more precise definitions through the regulations process.

This bill will provide the tools needed to stem the flow of these goods, protect legitimate Indian artisans, and eliminate the economic incentive to steal from Native people that which is theirs.

I am hopeful that this legislation will signal a new day in the enforcement of the Act and encourage both the economic and cultural benefits of authentic Indian arts and crafts.

I ask that a copy of the bill be printed in the RECORD. I thank the Chair and yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Arts and Crafts Enforcement Act of 2000''.

SEC. 2. AMENDMENTS TO CIVIL ACTION PROVISIONS.

Section 6 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes'' (25 U.S.C. 305e) (as added by section 105 of the Indian Arts and Crafts Act of 1990 (Public Law 101–644; 104 Stat. 4664)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting '', directly or indirectly,'' after ''against a person who''; and

(B) by inserting the following flush language after paragraph (2)(B):

''For purposes of paragraph (2)(A), damages shall include any and all gross profits accrued by the defendant as a result of the activities found to violate this subsection.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(C) by an Indian arts and crafts organization on behalf of itself, or by an Indian on behalf of himself or herself.''; and

(B) in paragraph (2)(A)—

(i) by striking ''the amount recovered the amount'' and inserting ''the amount recovered—

''(i) the amount''; and

(ii) by adding at the end the following:

''(ii) the amount for the costs of investigation awarded pursuant to subsection (b) and reimburse the Board the amount of such costs incurred as a direct result of Board activities in the suit; and'';

(3) in subsection (d)(2), by inserting ''subject to subsection (f),'' after ''(2)''; and

(4) by adding at the end the following:

''(f) Not later than 180 days after the date of enactment of the Indian Arts and Crafts Enforcement Act of 2000, the Board shall promulgate regulations to include in the definition of the term 'Indian product' specific examples of such product to provide guidance to Indian artisans as well as to purveyors and consumers of Indian arts and crafts, as defined under this Act.''.

By Mr. BENNETT:

S. 2873. A bill to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States; to the Committee on Energy and Natural Resources.

LEGISLATION REGARDING CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH

Mr. BENNETT. Mr. President, I rise today to introduce a bill which will bring to a close the Federal acquisition of an important piece of private property in Washington County, Utah.

As some of my colleagues are aware, in March of 1991, the desert tortoise was listed as an endangered species under the Endangered Species Act. Government and environmental researchers determined that the land immediately north of St. George, Utah, was prime desert tortoise habitat. Consequently, in February 1996, nearly five years after the listing, the United States Fish and Wildlife Service [USFWS] issued Washington County a section 10 permit under the Endangered Species Act, and a habitat conservation plan [HCP] and an implementation agreement were adopted. Under the plan and agreement, the Bureau of Land Management [BLM] assumed an obligation to acquire private lands in the designated habitat area to form the Red Cliffs Reserve for the protection of the desert tortoise.

One of the private land owners within the reserve is Environmental Land Technology, Limited [ELT], which had earlier acquired approximately 2,440 acres from the State of Utah for purposes of residential and recreational development. In the years preceding the adoption of the habitat conservation plan, ELT completed appraisals, cost estimates, engineering studies, site plans, surveys, utility layouts, right-of-way negotiations, staked out golf courses, and obtained water rights for the development of this land. Prior to the adoption of the HCP, it was not clear which lands the Federal and local governments would decide to set aside for the desert tortoise, although it was assumed that there was sufficient surrounding Federal lands to provide adequate habitat. However, in 1996, with the creation of the Red Cliffs Reserve, which included land belonging to ELT, all development efforts were halted.

With assurances from the Federal Government that the acquisition of the ELT development lands was a high priority, the owner negotiated with, and entered into, an assembled land exchange agreement with the BLM in anticipation of intrastate land exchanges. The private land owner then began a costly process of identifying comparable Federal lands within the State that would be suitable for an exchange for its lands in Washington County. Over the last four years, BLM and the private land owners, including ELT have completed several exchanges, and the Federal Government has acquired, through those exchanges or direct purchases, nearly all of the Private property located within the reserve, except for approximately 1,516 acres of the ELT development land. However, with the creation of the Grand Staircase National Monument in September 1996,

and the subsequent land exchanges between the State of Utah and the Federal Government for the consolidation of Federal lands within the monument, there are no longer sufficient comparable Federal lands within Utah to complete the originally contemplated intrastate exchanges for the remainder of the ELT development land within the reserve.

Faced with this problem, and in light of the high priority the Department of the Interior has placed on acquiring these lands, BLM officials recommended that the ELT lands be acquired by direct purchase. During the FY 2000 budget process, BLM proposed that $30 million be set aside to begin acquiring the remaining lands in Washington County. Unfortunately, because this project involves endangered species habitat and the USFWS is responsible for administering activities under the Endangered Species Act, the Office of Management and Budget shifted the $30 million from the BLM budget request to the USFWS's Cooperative Endangered Species Conservation Fund budget request. Ultimately, however, none of those funds were made available for BLM acquisitions within the Federal section of the reserve. Instead, the funds in that account were made available on a matching basis for the use of individual States to acquire wildlife habitat. The result of this bureaucratic fumbling has resulted in extreme financial hardship for ELT.

The development lands within the Red Cliffs Reserve are ELT's main asset. The establishment of the Washington County HCP has effectively taken this property from this private land owner and has prevented ELT from developing or otherwise disposing of the property. ELT has had to expend virtually all of its resources to hold the property while awaiting the compensation to which it is legally entitled. ELT has had to sell its remaining assets, and the private land owner has also had to sell assets, including his home, to simply hold the property. It is now impossible for him to hold the property any longer. This situation is made more egregious by the failure of the Department of the Interior to request any acquisition funding for FY 2001, even though this acquisition has been designated a high priority. Over the past several years, ELT has pursued all possible avenues to complete the acquisition of these lands. The private land owner has spent millions of dollars pursuing both intrastate and interstate land exchanges and has worked cooperatively with the Department of the Interior. Unfortunately, all of these efforts have been fruitless thus far. Absent the enactment of this legislation, the land owner faces financial ruin. The failure of the government to timely discharge an acknowledged obligation has forced this private land owner to liquidate his business and personal assets and effectively carry the burden of a large portion of the Red Cliffs Reserve on his back. This is clearly not how the government should treat its citizens.

The legislative taking bill that I am introducing today will finally bring this acquisition to a close. In my view, a legislative taking should be an action of last resort. But, if ever a case warranted legislative condemnation, this is it. This bill will transfer all right, title, and interest in the ELT development property within the Red Cliffs Reserve, including an additional 34 acres of landlocked real property owned by ELT which is adjacent to the land within the reserve, to the Federal Government. It provides an initial payment to ELT to pay off existing debts accrued in holding the property, and provides 90 days during which ELT and the Department of the Interior can attempt to reach a negotiated settlement on the remaining value of the property. In the absence of a negotiated amount, the Secretary of the Interior will be required to bring an action in the Federal District Court for the District of Utah to determine a value for the land. Payment for the land, whether negotiated or determined by the court, will be made from the permanent judgment appropriation or any other appropriate account, or, at the option of the land owner, the Secretary of the Interior will credit a surplus property account, established and maintained by the General Services Administration, which the land owner can then use to bid on surplus government property.

This legislation is consistent with the high priority the Department of the Interior has repeatedly placed on this land acquisition, and is a necessary final step towards an equitable resolution for this private land owner. The time for pursuing other options has long since expired. I encourage my colleagues to support the timely enactment of this important legislation.

By Mr. MOYNIHAN (for himself, Mr. SCHUMER, Mr. CONRAD, Mr. BREAUX, Mr. ROBB, Mr. MACK, Mr. LIEBERMAN, and Mr. DODD):

S. 2874. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Finance.

LIFE INSURANCE TAX SIMPLIFICATION ACT OF 2000

Mr. MOYNIHAN. Mr. President, today I introduce legislation to simplify the taxation of life insurance companies under the Internal Revenue Code. This bill repeals two sections of the Code that no longer serve valid tax policy goals, section 809 and section 815.

Section 809, which was enacted in 1984 as part of an overhaul of the taxation of life insurance companies, disallows a deduction for some of the dividends that mutual life insurance companies pay to their policyholders. It was enacted at a time when mutual life insurance companies were thought to be the dominant segment of the industry and was intended to ensure that stock life insurance companies were not competitively disadvantaged. Since that time, however, the number of mutual life insurance companies has dwindled while the number of stock life insurance companies has grown and the industry estimates that mutual life insurance companies will constitute less than ten percent of the industry within a few years. The section 809 tax has not been a significant component of the taxes paid by life insurance companies but it has been burdensome because of its unpredictable nature and complexity. Moreover, the original reason for its enactment no longer exists. Therefore, the bill would repeal section 809.

Section 815 was enacted in 1959 along with other changes to the taxation of life insurance companies. The 1959 changes permitted life insurance companies to defer tax on one-half of their underwriting income so long as such income was not distributed to their shareholders. The tax deferred income was accounted for through ''policyholder surplus accounts.'' In 1984, Congress revised the taxation of mutual and stock life insurance companies and as part of these revisions, stock life insurance companies were no longer permitted to defer tax on one half of their underwriting income or add to their policyholder surplus accounts. At the same time, Congress did not eliminate the existing policyholder surplus accounts or trigger tax on the accrued amounts but instead left them in place. Thus, the amounts in those accounts remain subject to tax only when a triggering event occurs (for example, direct or indirect distributions to shareholders). Since 1984, little revenue has been collected under this provision as companies avoid triggering events. The Administration recently has proposed taxing the amounts in the accounts, creating uncertainty for companies with these accounts. Finally, only life insurance companies that were in existence in 1984 even have these accounts. The bill would repeal this provision.

Elimination of these complicated and outmoded provisions will provide greater certainty to the taxation of these companies and allow them to restructure their businesses to compete in the developing global financial services marketplace. While this bill is only a modest attempt to simplify the taxation of one sector of our economy, it represents a first step towards overall simplification of our Internal Revenue Code.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Life Insurance Tax Simplification Act of 2000''.

SEC. 2. REPEAL OF REDUCTION OF DEDUCTIONS FOR MUTUAL LIFE INSURANCE COMPANIES.

(a) IN GENERAL.—Section 809 of the Internal Revenue Code of 1986 (relating to reductions in certain deductions of mutual life insurance companies) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subsections (a)(2)(B) and (b)(1)(B) of section 807 of such Code are each amended by striking ''the sum of (i)'' and by striking ''plus (ii) any excess described in section 809(a)(2) for the taxable year,''.

(2)(A) The last sentence of section 807(d)(1) of such Code is amended by striking ''section 809(b)(4)(B)'' and inserting ''paragraph (6)''.

(B) Subsection (d) of section 807 of such Code is amended by adding at the end the following new paragraph:

''(6) STATUTORY RESERVES.—The term 'statutory reserves' means the aggregate amount set forth in the annual statement with respect to items described in section 807(c). Such term shall not include any reserve attributable to a deferred and uncollected premium if the establishment of such reserve is not permitted under section 811(c).''

(3) Subsection (c) of section 808 of such Code is amended to read as follows:

''(c) AMOUNT OF DEDUCTION.—The deduction for policyholder dividends for any taxable year shall be an amount equal to the policyholder dividends paid or accrued during the taxable year.''

(4) Subparagraph (A) of section 812(b)(3) of such Code is amended by striking ''sections 808 and 809'' and inserting ''section 808''.

(5) Subsection (c) of section 817 of such Code is amended by striking ''(other than section 809)''.

(6) Subsection (c) of section 842 of such Code is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(7) The table of sections for subpart C of part I of subchapter L of chapter 1 of such Code is amended by striking the item relating to section 809.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. REPEAL OF POLICYHOLDERS SURPLUS ACCOUNT PROVISIONS.

(a) IN GENERAL.—Section 815 of the Internal Revenue Code of 1986 (relating to distributions to shareholders from pre-1984 policyholders surplus account) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 801 of such Code is amended by striking subsection (c).

(2) The table of sections for subpart D of part I of subchapter L of chapter 1 of such Code is amended by striking the item relating to section 815.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

By Mr. SESSIONS (for himself, Mr. HATCH, Mr. LEAHY, Mr. THURMOND, Mr. TORRICELLI, and Mr. GRASSLEY):

S. 2875. A bill to amend titles 18 and 28, United States Code, with respect to United States magistrate judges; to the Committee on the Judiciary.

MAGISTRATE JUDGE IMPROVEMENT ACT OF 2000

Mr. SESSIONS. Mr. President, I rise today on behalf of myself and Senators HATCH, LEAHY, THURMOND, TORRICELLI, and GRASSLEY, to introduce the Magistrate Judge Improvement Act of 2000. We are introducing this legislation because we believe that the modest reforms it seeks to make will greatly enhance the efficiencies and effectiveness of the Federal court system. In fact, the changes proposed by this legislation are based on recommendations made by the Judicial Conference and the Magistrate Judges Association, and this legislation has the strong support of both organizations. I do not believe that this legislation is controversial, and I encourage my colleagues to join in support of this initiative.

Over the years, Congress has repeatedly recognized the important role that magistrate judges have in helping to ensure the smooth and efficient functioning of the federal judicial system. For example, Congress has deemed it appropriate to allow magistrate judges to have final disposition authority, with the consent of the parties, in civil and misdemeanor cases pending before a district court. This was done, in part, to help federal district courts better manage their dockets by providing litigants with a viable alternative that they could utilize in the resolution of their claims. Despite the fact that magistrate judges have been asked to play a greater role in adjudicating cases that had traditionally been tried before district courts, magistrates have not been granted the same powers that district courts enjoy to enforce their oral and written orders or even to maintain order in their courtrooms. The Magistrate Judge Improvement Act of 2000 seeks to correct this imbalance, while also making additional reforms that will greatly enhance the efficiencies provided by magistrate courts. In particular, this legislation will make three important, and common-sense reforms.

First: The bill will grant magistrate judges limited contempt authority in criminal and civil cases. Under current law, magistrate judges do not have any contempt authority at all, and are required to certify any instances of improper behavior to a district court judge for resolution. This lack of authority undermines the magistrate judges ability to ensure compliance with their orders, and to control disorderly behavior in their courtroom. By giving magistrate judges contempt authority, Congress will greatly enhance their ability to assist district courts in the application of federal law.

Second: The bill will improve district court efficiency by empowering magistrate judges to handle all petty offense cases without the consent of the defendant. Current law already allows magistrate judges to try Class B misdemeanors charging a motor vehicle offense and all Class C misdemeanors and infractions without the consent of the defendant. By expanding this authority to encompass all Class B misdemeanors, instead of just those involving motor vehicle offenses, we will help reduce the dockets of the district courts as they will no longer be the primary forum for resolving a wide variety of relatively minor offenses.

Third: The bill will grant magistrate judges the ability to enter sentences of incarceration in juvenile misdemeanor cases. Under current law, magistrate judges are empowered to try and sentence juvenile defendants accused of Class B and Class C misdemeanor offenses; however, they are precluded from entering sentences of imprisonment. This is an unusual lack of authority because magistrates are empowered under current law to order the pretrial detention of juvenile defendants who have committed felonies. This legislation remedies this situation by granting magistrate judges the ability to enter minimal sentences of incarceration in the misdemeanor cases they adjudicate. In addition, the legislation extends the scope of magistrate judge authority to ensure that they are empowered to preside over all classes of misdemeanor offenses, including Class A misdemeanors.

As you can see, these are all sensible and reasonable reforms and their enactment into law will go a long way towards strengthening an important component of our Federal Judiciary. I urge my colleagues to join in support of this legislation, and I look forward to working with them in the hopes of getting this bill passed before Congress adjourns for the year. I ask that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Magistrate Judge Improvement Act of 2000''.

SEC. 2. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code is amended to read as follows:

''(e) MAGISTRATE JUDGE CONTEMPT AUTHORITY.—

''(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by his or her appointment the power to exercise contempt authority as set forth in this subsection.

''(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of the authority of that magistrate judge constituting misbehavior of any person in the presence of the magistrate judge so as to obstruct the administration of justice. The order of contempt shall be issued pursuant to Federal Rules of Criminal Procedure.

''(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish by fine or imprisonment such criminal contempt constituting disobedience or resistance to the lawful writ, process, order, rule, decree, or command of the magistrate judge. Disposition of such contempt shall be conducted upon notice and hearing pursuant to the Federal Rules of Criminal Procedure.

''(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions pursuant to any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

''(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt set forth in paragraphs (2) and (3) of this subsection shall not exceed the penalties for a class C misdemeanor as set forth in sections 3571(b)(6) and 3581(b)(8) of title 18.

''(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT JUDGE.—

''(A) IN GENERAL.—Upon the commission of any act described in subparagraph (B)—

''(i) the magistrate judge shall promptly certify the facts to a district judge and may serve or cause to be served upon any person whose behavior is brought into question under this paragraph an order requiring such person to appear before a district judge upon a day certain to show cause why such person should not be adjudged in contempt by reason of the facts so certified; and

''(ii) the district judge shall hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

''(B) ACTS DESCRIBED.—An act is described in this subparagraph if it is—

''(i) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, an act that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection; or

''(ii) in any other case or proceeding under subsection (a) or (b), or any other statute—

''(I) an act committed in the presence of the magistrate judge that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5);

''(II) an act that constitutes a criminal contempt that occurs outside the presence of the magistrate judge; or

''(III) an act that constitutes a civil contempt.

''(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt issued pursuant to this section shall be made to the court of appeals in any case proceeding under subsection (c). The appeal of any other order of contempt issued pursuant to this section shall be made to the district court.''.

SEC. 3. MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES.

(a) TITLE 18, UNITED STATES CODE.—Section 3401(b) of title 18, United States Code, is amended in the first sentence by striking ''that is a class B'' and all that follows through ''infraction''.

(b) TITLE 28, UNITED STATES CODE.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting the following:

''(4) the power to enter a sentence for a petty offense; and

''(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.''.

SEC. 4. MAGISTRATE JUDGE AUTHORITY IN CASES INVOLVING JUVENILES.

Section 3401(g) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following: ''The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.'';

(2) in the second sentence by striking ''any other class B or C misdemeanor case'' and inserting ''the case of any misdemeanor, other than a petty offense,''; and

(3) by striking the last sentence.

By Mr. BUNNING:

S. 2876. A bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the social security account number, and to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, and for other purposes; to the Committee on Finance.

PRIVACY AND IDENTITY PROTECTION ACT OF 2000

Mr. BUNNING. Mr. President, I rise today to introduce legislation that is designed to protect the privacy of all Americans from identity theft caused by theft or abuse of an individual's Social Security number (SSN).

Mr. President, identity theft is the fastest growing financial crime in the nation, affecting an estimated 500,000 to 700,000 people annually. Allegations of fraudulent Social Security number use for identity theft increased from 26,531 cases in 1998 to 62,000 in 1999—this is a 233 percent increase in just one year!

In May of this year, the Privacy Rights Clearinghouse released a report that found of the more than 75% of identity theft crimes that took place last year, ''true name'' fraud was involved. What is ''true name'' fraud?

It is when someone uses your Social Security number to open new accounts in the victim's name. That means a common criminal can apply for credit cards, buy a car, obtain personal, business, auto or real estate loans, do just about anything in your name and you may not even know about it for months or even years. Across the country there are people who can tell you about losing their life savings or having their credit history damaged, simply because someone had obtained their Social Security number and fraudulently assumed their identity.

My bill prohibits the sale of Social Security numbers by the private sector, Federal, State and local government agencies. My bill strengthens existing criminal penalties for enforcement of Social Security number violations to include those by government employees. It amends the Fair Credit Reporting Act to include the Social Security number as part of the information protected under the law, enhances law enforcement authority of the Office of Inspector General, and allows Federal courts to order defendants to make restitution to the Social Security Trust Funds.

Mr. President, I think that it is high time that we get back to the original purpose of the Social Security number. Social Security numbers were designed to be used to track workers and their earnings so that their benefits could be accurately calculated when a worker retires—nothing else.

My bill would also prohibit the display of Social Security numbers on drivers licenses, motor vehicle registration and other related identification records, like the official Senate ID Card.

I urge my colleagues to cosponsor this very important piece of legislation.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 2877. A bill to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon; to the Committee on Energy and Natural Resources.

IMPROVED WATER MANAGEMENT IN EASTERN OREGON

● Mr. WYDEN. Mr. President, I am introducing today legislation that will allow the Bureau of Reclamation to conduct a feasibility study on ways to improve water management in the Malheur, Owyhee, Powder and Burnt River basins in northeastern Oregon. An earlier study by the Bureau identified a number of problems on these four Snake River tributaries, including high water temperatures and degraded fish habitat.

These types of problems are not unique to these rivers; in fact, many rivers in the Pacific Northwest are in a similar condition. However, Oregon has a unique approach to solving these problems through the work of Watershed Councils. In these Councils, local farmers, ranchers and other stakeholders sit down together with the resource agencies to develop action plans to solve local problems.

The Council members have the local knowledge of the land and waters, but they don't have technical expertise. The Bureau of Reclamation has the expertise to collect the kinds of water flow and water quality data that are needed to understand how the watershed works and how effective different solutions might be.

One class of possible solutions includes small-scale construction projects, such as upgrading of irrigation systems and creation of wetlands to act as pollutant filters. This legislation would allow the Bureau of Reclamation to partner with the Watershed Councils in determining how such small-scale construction projects might benefit both the environment and the local economy.

This bill authorizes a study; it does not authorize actual construction. It simply enables the Bureau to help find the most logical solution to resource management issues.

I look forward to a hearing on this bill in the Energy and Natural Resources Subcommittee on Water and Power. I welcome my colleague, Mr. SMITH, as an original co-sponsor of this bill.

I ask unanimous consent that my statement and a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2000''.

SEC. 2. STUDY.

The Secretary of the Interior may conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

ADDITIONAL COSPONSORS

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 2217

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2293

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2544

At the request of Mr. ROCKEFELLER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2544, a bill to amend title 38, United States Code, to provide compensation and benefits to children of female Vietnam veterans who were born with certain birth defects, and for other purposes.

S. 2589

At the request of Mr. JOHNSON, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2589, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 2686

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2686, a bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

S. 2696

At the request of Mr. CONRAD, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2696, a bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes.

S. 2700

At the request of Mr. L. CHAFEE, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2714

At the request of Mrs. LINCOLN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2714, a bill to amend the Internal Revenue Code of 1986 to provide a higher purchase price limitation applicable to mortgage subsidy bonds based on median family income.

S. 2758

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2758, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program.

S. 2787

At the request of Mr. BIDEN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2869

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2869, a bill to protect religious liberty, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. RES. 279

At the request of Mrs. BOXER, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. Res. 279, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

S. RES. 286

At the request of Mrs. BOXER, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. Res. 286, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

S. RES. 294

At the request of Mr. ABRAHAM, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 294, a resolution designating the month of October 2000 as ''Children's Internet Safety Month.''

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Kentucky