

**SEC. . SEPARABILITY.**

If any provision of this title, or any provision of an amendment made by this title, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this title or that amendment, or the application thereof to other persons or circumstances shall not be affected.

**SEC. . EFFECTIVE DATE.**

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section—03 of this title) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

**MESSAGES FROM THE PRESIDENT**

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

**EXECUTIVE MESSAGES REFERRED**

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

**REPORT ON A REQUEST FOR FUNDS FOR OPERATIONS OF U.S. FORCES IN BOSNIA AND HERZEGOVINA; TO THE COMMITTEE ON ARMED SERVICES—MESSAGE FROM THE PRESIDENT—PM 27**

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

*To the Congress of the United States:*

Section 1203 of the Strom Thurmond National Defense Authorization Act For Fiscal Year 1999, Public Law 105-261 (the Act), requires submission of a report to the Congress whenever the President submits a request for funds for continued operations of U.S. forces in Bosnia and Herzegovina.

In connection with my Administration's request for funds for FY 2000, the attached report fulfills the requirements of section 1203 of the Act.

I want to emphasize again my continued commitment to close consultation with the Congress on political and military matters concerning Bosnia and Herzegovina. I look forward to continuing to work with the Congress in the months ahead as we work to establish a lasting peace in the Balkans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 12, 1999.

**MESSAGES FROM THE HOUSE**

At 2:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the

following bills, in which it requests the concurrence of the Senate:

H.R. 209. An act to improve the ability of Federal Agencies to license federally owned inventions.

H.R. 1183. An act to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

H.R. 1550. An act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes.

**ENROLLED BILL SIGNED**

At 4:10 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 432. An act to designate the North/South Center as the Dante B. Fascell North-South Center.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

**MEASURES REFERRED**

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1550. An act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Indian Affairs:

S. 28. A bill to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

The Committee on Armed Services was discharged from further consideration of the following measure which was referred to the Committee on the Judiciary:

S. 785. A bill for the relief of Frances Scholchenmaier.

**MEASURE PLACED ON THE CALENDAR**

The following bill was read the first and second times and placed on the calendar:

H.R. 833. An act to amend title 11 of the United States Code, and for other purposes.

**EXECUTIVE AND OTHER COMMUNICATIONS**

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated on April 19, 1999:

EC-2607. A communication from the Director of the Administrative Office of the United States Courts, transmitting, a proposed emergency supplemental request for fiscal year 1999; to the Committee on Appropriations.

EC-2608. A communication from the Assistant Secretary of the Interior for Indian Af-

fairs, transmitting, pursuant to law, the report of a rule entitled "Class III Gaming Procedures" (RIN1076-AD87) received on April 6, 1999; to the Committee on Indian Affairs.

EC-2609. A communication from the Chairman of the Federal Election Commission, transmitting, supplemental legislative recommendations for 1999; to the Committee on Rules and Administration.

EC-2610. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "The Department of Veterans' Affairs Employment Reduction Assistance Act of 1999"; to the Committee on Veterans' Affairs.

EC-2611. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report for calendar year 1998; to the Committee on the Judiciary.

EC-2612. A communication from the Director of Government Relations for the Girl Scouts of the U.S.A., transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on the Judiciary.

EC-2613. A communication from the Attorney General, transmitting, pursuant to law, the annual accountability report for fiscal year 1998; to the Committee on the Judiciary.

EC-2614. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1998; to the Committee on the Judiciary.

EC-2615. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report relative to the danger pay allowance for the United Nations Transitional Administration for Eastern Slavonia (UNTAES) in Vukovar, Croatia; to the Committee on Foreign Relations.

EC-2616. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report relative to the danger pay allowance for Kampala, Uganda; to the Committee on Foreign Relations.

EC-2617. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2618. A communication from the Secretary of State, transmitting, pursuant to law, a reorganization plan and report; to the Committee on Foreign Relations.

EC-2619. A communication from the General Counsel of the United States Information Agency, transmitting, pursuant to law, the report of a rule entitled "Cultural Exchange Programs—22 CFR Part 514—Summer Work/Travel" (RIN3116-AA16) received on April 12, 1999; to the Committee on Foreign Relations.

EC-2620. A communication from the General Counsel of the United States Information Agency, transmitting, pursuant to law, the report of a rule entitled "Cultural Exchange Programs—22 CFR Part 514—Short-Term Scholar" (RIN3116-AA15) received on April 6, 1999; to the Committee on Foreign Relations.

EC-2621. A communication from the General Counsel of the United States Information Agency, transmitting, pursuant to law, the report of a rule entitled "Cultural Exchange Programs—22 CFR Part 514—Au Pair Regulations" (RIN3116-AA14) received on April 6, 1999; to the Committee on Foreign Relations.

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated on May 12, 1999:

EC-2980. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report of a technical violation of the Antideficiency Act; to the Committee on Appropriations.

EC-2981. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 99-22", received April 27, 1999; to the Committee on Finance.

EC-2982. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-21—Weighted Average Interest Rate Update", received April 27, 1999; to the Committee on Finance.

EC-2983. A communication from the Director, Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "New Canadian Province Import Code for Territory of Nunavut" (RIN0607-AA32), received May 6, 1999; to the Committee on Finance.

EC-2984. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cuban Assets Control Regulations: Sale of Food and Agricultural Inputs; Remittances; Educational, Religious and Other Activities; Travel-Related Transactions; U.S. Intellectual Property" (31 CFR Part 515), received May 10, 1999; to the Committee on Finance.

EC-2985. 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 "Rules and Procedures for Funds Transfers" (AA38), received May 4, 1999; to the Committee on Finance.

EC-2986. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Pediatric Asthma Demonstration Act of 1999"; to the Committee On Finance.

EC-2987. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting drafts of proposed changes to the Foreign Assistance Act of 1962 and the Arms Export Control Act; to the Committee on Foreign Relations.

EC-2988. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report of a proposed export license relative to Italy; to the Committee on Foreign Relations.

EC-2989. A communication from the Secretary of Defense, transmitting the reports of retirements; to the Committee on Armed Services.

EC-2990. A communication from the Director, Office of the Secretary of Defense, transmitting a report relative to acquisition and cross-servicing agreements with countries that are not part of the North Atlantic Treaty Organization or its subsidiary bodies; to the Committee on Armed Services.

EC-2991. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, the report of a plan for the redesign of the military pharmacy system; to the Committee on Armed Services.

EC-2992. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to various management concerns regarding security cooperation programs; to the Committee on Armed Services.

EC-2993. A communication from the Under Secretary, Export Administration, Department of Commerce, transmitting, pursuant

to law, a report of the imposition on Serbia of certain foreign policy-based export controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-2994. A communication from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports To Serbia" (RIN0694-AB69), received May 4, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2995. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Exchange Stabilization Fund for fiscal year 1998; to the Committee on Banking, Housing and Urban Affairs.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

PO-111. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Energy and Natural Resources.

#### LEGISLATIVE RESOLUTION 69

Whereas, until 1993, the federal Natural Gas Policy Act of 1978 established the maximum lawful price that a natural gas producer could charge its pipeline customers for natural gas, providing under section 110 of the act that the producer could adjust the maximum price upward in order to recover from pipeline customers any state severance tax payments made by the producer; and

Whereas, in 1988, in the case of *Colorado Interstate Gas Co. v. the Federal Energy Regulatory Commission*, 850 F. 2d 769, the United States Court of Appeals for the District of Columbia Circuit ruled that the ad valorem tax levied by the State of Kansas was not a severance tax within the meaning of section 110 of the Natural Gas Policy Act and ordered natural gas producers to refund that portion of the payments received from the pipelines attributable to the cost of the Kansas ad valorem taxes paid plus interest; and

Whereas, upon remand of the matter to the Federal Energy Regulatory Commission, the commission ordered the refunds to be made on that portion of all purchases which had included Kansas ad valorem taxes which were charged after June 28, 1988, the date of the Appeals Court ruling in the *Colorado Interstate Gas Co.* case; and

Whereas, in 1996, in the case of *Public Service Company of Colorado v. the Federal Energy Regulatory Commission*, 91 F. 3d 1478, the United States Court of Appeals for the District of Columbia overruled the commission, holding that the refunds should commence from October 1983, when notice was filed in the Federal Register of the petition before the commission challenging the propriety of including the Kansas ad valorem taxes in the price charged for natural gas produced in Kansas; and

Whereas, as of November 1997, the consumers of natural gas in twenty-three states were entitled, pursuant to this ruling and the subsequent order of the Federal Energy Regulatory Commission, to refunds and accrued interest from natural gas producers for the period of October 1983 through June 1988, amounting to more than \$334,840,000, with Nebraska consumers to receive approximately \$34,360,000 (approximately ten percent of the total); and

Whereas, of those sums, over 60 percent of the total is accrued interest as of that date with additional interest being compounded quarterly on unpaid balances and on those sums not placed in escrow accounts pursuant to commission order; and

Whereas, the United States Senate and the United States House of Representatives in their individual versions of the Emergency Supplemental Appropriations Act for Fiscal Year 1999 (S. 544 and H.R. 1141) have provisions, added by amendment, which would amend the Natural Gas Policy Act of 1978 to prohibit the commission or any court from ordering the payment of any interest or penalties with respect to ordered refunds of rates or charges made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989; and

Whereas, both acts were adopted by their respective houses of the Congress on March 25 of this year, immediately prior to their Easter adjournment and are pending consideration by a Joint Appropriations Conference Committee; and

Whereas, legislation for the same purpose (S. 626 in the Senate and H.R. 1117 in the House of Representatives) is currently pending; and

Whereas, the sole result of the final adoption of these amendments or these bills will be to mitigate or reduce the liability of natural gas producers for charges wrongfully imposed on consumers in the period of 1983 to 1988 by denying consumers interest on the amount of those charges and relieving the producers of any liability for future penalties flowing from the failure to make court-ordered payments in the prescribed manner; and

Whereas, the lost refunds to Nebraska natural gas consumers will amount to more than 10 percent of the total reduction, representing the fourth largest state loss of the twenty-four states receiving court-ordered refunds; and

Whereas, Nebraska has been urged to join with other states in petitioning Congress to reconsider the adoption of these ill-advised and possibly unconstitutional provisions and avoid future litigation at the expense of all parties involved.

Now, Therefore, be it Resolved by the Members of the Ninety-Sixth Legislature of Nebraska, First Session:

1. That the Legislature hereby petitions the Congress of the United States to oppose the enactment of S. 626 and H.R. 1117 or any version thereof which would have the effect of waiving interest or penalties of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989.

2. That the Legislature hereby petitions the Congress of the United States to reconsider its actions with regard to S. 544 and H.R. 1141 in the adoption of the amendments which would have the effect of waiving interest or penalties of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989 and urges that the ultimate version of the Emergency Supplemental Appropriations Act for Fiscal Year 1999 as reported by the conference committee and adopted by the Congress not include any provision having this effect.

3. That the Legislature urges the members of the Nebraska House and Senate delegations to vote against and to take such actions as necessary to prevent the passage of any amendments or legislation which would have the effect of waiving interest or penalties of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989.

4. That the Clerk of the Legislature transmit copies of this resolution to each member of the Nebraska Congressional delegation and that copies be transmitted to the Speaker of the United States House of Representatives and the President of the United States