

such reading. Moreover, if this language had been suggested as an amendment to my amendment, I would not have supported it nor would the majority of my colleagues.

The Committee Report also lists several examples of State law provisions that the Report states should be preempted under the standard, incorporated into S. 900. As noted above, this violates my intent in offering an amendment based on the Barnett standard. For example, page 13 of the Committee Report states that an "example of a State law that would be preempted under the standard set forth in subsection 104(d)(2)(A) would be a statute that limits the volume or portion of insurance sales made by an insurance agent on the basis of whether such sales are made to customers of an insured depository institution or any affiliate of the agent." I strongly disagree. State statutes that limit sales in this manner or that effectively require all insurance agents to engage in public insurance agency activities, and not limit their sales efforts to their captive customers, are not preempted under the Section 104(d)(2)(A) preemption standard.

In addition, page 14 of the Committee Report offers a requirement that insurance activities take place more than 100 yards from a teller window as an example of a State law provision that would be preempted. I wish to note that less restrictive provisions that merely require the physical separation of insurance activities from other activities within a bank are not preempted under the Section 104(d)(2)(A) preemption standard. The intent underlying the amendment was to leave these determinations of what is or is not preempted to the courts, based on the applicable legal standards identified in Barnett.

Finally, I fell compelled to note that page 15 of the Committee Report states that nothing in the preemption provisions can be read to require licensure of the bank itself, only of employees acting as agents. While this is technically true, it creates some potential confusion with the core licensure requirement. This should be read as allowing institution licensure so long as that licensure does not "prevent or significantly interfere with" the exercise of authorized insurance sales powers.

Mr. SARBANES. I would like to point out that the language of the amendment offered by my colleague from Nevada was previously explained in the Report of the Banking Committee that accompanied H.R. 10 last year. For State laws that fall outside the 13-point safe harbor, the bill does not limit in any way the application of the Supreme Court's Barnett Bank decision. State laws outside the safe harbor could be challenged under that decision. This year's Committee Report incorrectly describes the standard that State laws must meet under Barnett Bank in order to avoid being preempted.

Mr. BRYAN. In closing, I should say that I would have brought my concerns regarding the Committee Report language directly to the Committee Chairman, Senator GRAMM, and his staff but I did not have the opportunity to read the Committee Report language discussing my amendment prior to its publication.

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 a withdrawal and sundry nominations which were referred to the appropriate committees.

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

MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the second time and placed on the calendar:

S.J. Res. 26. Joint resolution expressing the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

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-3291. A communication from the Director, Corporate Audits and Standards, Accounting and Information Management Division, General Accounting Office, transmitting, pursuant to law, the report of financial statements for the Congressional Award Foundation for fiscal years 1997 and 1998; to the Committee on Governmental Affairs.

EC-3292. A communication from the Regulations Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption", received May 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3293. A communication from the Regulations Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received May 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3294. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Avocados Grown in South Florida; In-

creased Assessment Rate" (Docket No. FV99-915-1-FR), received May 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3295. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced From Grapes Grown in California; Increase in Assessment Rate" (Docket No. FV99-989-2-FIR), received May 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3296. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Quarantined Areas and Treatment" (Docket No. 98-125-1), received May 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3297. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Spinosad; Pesticide Tolerance (FRL 3 6081-8)" and "Tebuconazole; Pesticide Tolerance for Emergency Exemption (FRL # 6079-1)", received May 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3298. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC-3299. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revised Restrictions on Assistance to Noncitizens-Final Rule (FR-4154)" (RIN2501-AC36), received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3300. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Interim Rule (FR-4428)" (RIN2577-AB91), received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3301. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations, 64 FR 24517, 05/07/99", received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3302. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility, 64 FR 24512, 05/07/99", received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3303. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations, 64 FR 24516, 05/07/99", received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3304. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood