

We are sending a very, very clear message to the government of Russia that we want entities in Russia to stop providing this kind of cooperation to the government of Iran.

Mr. Speaker, because it places in jeopardy very large parts of the Persian Gulf, our allies in the Middle East, and major parts of Europe, we want to have action on this issue. We see the only way to have a likelihood that the President will sign the legislation is attaching it to the implementation legislation for the Chemical Weapons Convention. Alternatively, we can see the Iranians developing the missile capacity that enables them to bring great explosive destruction or even weapons of mass destruction to bear on the Persian Gulf, on the Middle East and Europe. Therefore, we urge our colleagues to support H.R. 2709.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. CALVERT]. All time has expired.

The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 2709, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title of the bill was amended so as to read:

A bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

BANKRUPTCY AMENDMENTS OF 1997

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 764) to make technical corrections to title 11, United States Code, and for other purposes, as amended.

The Clerk read as follows:

H.R. 764

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 "Bankruptcy Amendments of 1997".

SEC. 2. DEFINITIONS.

Section 101 of title 11, United States Code, is amended—

(1) by striking "In this title—" and inserting "In this title:";

(2) in each paragraph by inserting "The term" after the paragraph designation,

(3) in paragraph (35)(B) by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)"

(4) in paragraphs (35A) and (38) by striking "and" at the end and inserting a period,

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears, and

(B) by striking "\$4,000,000" and inserting "\$15,000,000 as of the date of the filing of the petition";

(6) by amending paragraph (54) to read as follows:

"(54) The term 'transfer' means—

"(A) creation of a lien;

"(B) retention of title as a security interest;

"(C) foreclosure of the debtor's equity of redemption; or

"(D) every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property;"

(7) in paragraphs (1) through (35), in paragraphs (36) and (37), and in paragraphs (40) through (55), including paragraph (54) as added by this section, by striking the semicolon at the end and inserting a period, and

(8) by redesignating paragraphs (4) through (55), including paragraph (54) as added by this section, in entirely numerical sequence.

SEC. 3. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting "522(f)(3)," after "522(d)," each place it appears.

SEC. 4. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1201, or".

SEC. 5. PENALTY FOR PERSONS WHO NEGLIGENCE OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking "attorney's" and inserting "attorneys" .

SEC. 6. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting "on a fixed or percentage fee basis," after "hourly basis,".

SEC. 7. COMPENSATION TO OFFICERS.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (1) by inserting ", or the debtor's attorney" after "1103", and

(2) in paragraph (3) by striking "(3)(A) In" and inserting "(3) In".

SEC. 8. SPECIAL TAX PROVISIONS.

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking ", except" and all that follows through "1986".

SEC. 9. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 10. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17) by striking "or" at the end,

(2) in paragraph (18) by striking the period at the end and inserting "or", and

(3) by adding at the end the following:

"(19) under subsection (a) of this section, of any transfer that is not avoidable under section 544 and not avoidable under section 549.".

SEC. 11. DEFAULTS BASED ON NONMONETARY OBLIGATIONS.

(a) EXECUTORY CONTRACTS AND UNEXPIRED LEASES.—Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A) by striking the semicolon at the end and inserting the following:

"other than a default that is a breach of a provision relating to—

"(i) the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption; or

"(ii) the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an executory contract, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption and if the court determines, based on the equities of the case, that this subparagraph should not apply with respect to such default;" and

(B) by amending paragraph (2)(D) to read as follows:

"(D) the satisfaction of any penalty rate or penalty provision relating to a default arising from a failure to perform nonmonetary obligations under an executory contract or under an unexpired lease of real or personal property.".

(2) in subsection (c)—

(A) in paragraph (2) by adding "or" at the end,

(B) in paragraph (3) by striking "or" at the end and inserting a period, and

(C) by striking paragraph (4),

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9), and

(B) by redesignating paragraph (10) as paragraph (5).

(4) in subsection (f)(1) by striking "except that" and all that follows through the end of the paragraph and inserting a period.

(b) IMPAIRMENT OF CLAIMS OR INTERESTS.—Section 1124(2) of title 11, United States Code, is amended—

(1) in subparagraph (A) by inserting "or of a kind that section 365(b)(1)(A) of this title expressly does not require to be cured" before the semicolon at the end,

(2) in subparagraph (C) by striking "and" at the end,

(3) by redesignating subparagraph (D) as subparagraph (E), and

(4) by inserting after subparagraph (C) the following:

"(D) if such claim or such interest arises from any failure to perform a nonmonetary obligation, compensates the holder of such claim or such interest (other than the debtor or an insider) for any actual pecuniary loss incurred by such holder as a result of such failure; and".

SEC. 12. AMENDMENT TO TABLE OF SECTIONS.

The table of sections for chapter 5 of title 11, United States Code, is amended by striking the item relating to section 556 and inserting the following:

"556. Contractual right to liquidate a commodities contract or forward contract."

SEC. 13. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

SEC. 14. PRIORITIES.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (3)(B) by striking the semicolon at the end and inserting a period, and

(2) in paragraph (7) by inserting "unsecured" after "allowed".

SEC. 15. EXEMPTIONS.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (f)(1)(A)(ii)(II)—

(A) by striking "includes a liability designated as" and inserting "is for a liability that is designated as, and is actually in the nature of," and

(B) by striking "unless" and all that follows through "support," and

(2) in subsection (g)(2) by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 16. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(3) by striking "or (6)" each place it appears and inserting "(6), or (15)",

(2) as amended by section 304(e) of Public Law 103-394 (108 Stat. 4133), in paragraph (15) by transferring such paragraph so as to insert it after paragraph (14) of subsection (a),

(3) in paragraph (9) by inserting "watercraft, or aircraft" after "motor vehicle",

(4) in subsection (a)(15), as so redesignated by operation of paragraph (2), by inserting "to a spouse, former spouse, or child of the debtor and" after "(15)",

(5) in subsection (a)(17)—

(A) by striking "by a court" and inserting "on a prisoner by any court",

(B) by striking "section 1915 (b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915", and

(C) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears, and

(6) in subsection (e) by striking "a insured" and inserting "an insured".

SEC. 17. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking "section 523" and all that follows through "or that", and inserting "section 523, 1228(a)(1), or 1328(a)(1) of this title, or that".

SEC. 18. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1) by inserting "student" before "grant" the second place it appears, and

(2) in paragraph (2) by striking "the program operated under part B, D, or E of" and inserting "any program operated under".

SEC. 19. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code is amended by inserting "365 or" before "542".

SEC. 20. LIMITATIONS ON AVOIDING POWERS.

Section 546 of title 11, United States Code, is amended by redesignating the second subsection (g) as subsection (h).

SEC. 21. PREFERENCES.

Section 547 of title 11, United States Code, is amended—

(1) in subsection (b) by striking "subsection (c)" and inserting "subsections (c) and (h)", and

(2) by adding at the end the following:

"(h) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, then such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider."

SEC. 22. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting "an interest in" after "transfer of",

(2) by striking "such property" and inserting "such real property", and

(3) by striking "the interest" and inserting "such interest".

SEC. 23. SETOFF.

Section 553(b)(1) of title 11, United States Code, is amended by striking "362(b)(14)" and inserting "362(b)(17)".

SEC. 24. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking "1009".

SEC. 25. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, is amended by inserting "1123(d)," after "1123(b)".

SEC. 26. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)", and

(2) by adding at the end the following new paragraph:

"(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election. Upon the filing of a report under the preceding sentence—

"(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section, and

"(ii) the service of any trustee appointed under subsection (d) shall terminate.

"(B) In the case of any dispute arising out of an election under subparagraph (A), the court shall resolve the dispute."

SEC. 27. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 28. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 29. DISCHARGE.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 30. CONTENTS OF PLAN.

Section 1322 of title 11, United States Code, is amended—

(1) in subsection (b) by striking "(c)" and inserting "(d)", and

(2) in subsection (e) by striking "default, shall" and inserting "default shall".

SEC. 31. DISCHARGE.

Paragraphs (1), (2), and (3) of section 1328(a) of title 11, United States Code, are amended to read as follows:

"(1) provided for under section 1322(b)(5) of this title;

"(2) of the kind specified in paragraph (5), (8), or (9) of section 523(a) of this title; or

"(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime."

SEC. 32. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking "made under this subsection" and inserting "made under subsection (c)", and

(2) by striking "This subsection" and inserting "Subsection (c) and this subsection".

SEC. 33. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "bankruptcy", and

(B) by striking the period at the end and inserting "and"; and

(2) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "document", and

(B) by striking "this title" and inserting "title 11".

SEC. 34. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only

with respect to cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Michigan [Mr. CONYERS] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

The current bill, H.R. 764, the Bankruptcy Amendments of 1997, consists primarily of technical corrections which are intended to clarify original intent, correct drafting defects, and improve grammar and cross-references in the Bankruptcy Code. Many of these changes are occasioned by minor problems with the language in the Bankruptcy Reform Act of 1994, and will not change the results in future cases.

There are also several more substantive provisions, limited in scope, designed to rectify shortcomings in current law. They are fully discussed in the committee report, and I will only briefly describe four provisions here.

By amendment to section 101(51B) of the Bankruptcy Code, renumbered section 101(57), the present \$4 million cap on single asset real estate is raised to \$15 million. This will enable creditors in more cases to obtain expedited relief from the automatic stay's bar to foreclosure. This is provided for under section 362(d)(3) of the Bankruptcy Code.

Section 101(54) of the Bankruptcy Code, renumbered section 101(66), is amended to define "transfer" as including the "creation of a lien," which is in accord with a widely held understanding. This will protect a purchase money lender, who has recorded a deed of trust without knowledge of a bankruptcy filing, from the trustee's power to avoid certain post-petition property transfers.

And, section 365(b) of the Bankruptcy Code is amended to give recognition to different policy considerations that are implicated, when there are incurable nonmonetary defaults, in the trustee's power to assume executory contracts and unexpired leases of the debtor.

The Code is amended in section 523(a)(9) to provide, as is now the case with motor vehicles, that any debt for death or personal injury arising from a debtor's unlawful operation of a watercraft or aircraft while intoxicated is nondischargeable in bankruptcy.

Mr. Speaker, it has been necessary to proceed with a manager's amendment to the bill as reported from the Committee on the Judiciary, primarily in

order to further clarify the amendment to section 365(b). This has been agreed to by both sides. The manager's amendment substitutes new language for section 11 of the bill as reported. The other 33 sections of the bill remain unchanged.

Section 11(a) modifies the language of section 11, as reported, to clarify that when a trustee or debtor-in-possession is excused from curing a non-monetary default under a real estate lease or executory contract as a condition to the assumption of the contract or lease, the creditor remains entitled to compensation for actual pecuniary loss resulting from the default and to adequate assurance of future performance.

Section 11(b) amends section 1124(2) of the Bankruptcy Code to modify a cross-reference to reflect the clarification made by section 11(a), and to provide that the creditor remains entitled to compensation for actual pecuniary loss resulting from the default for purposes of determining when the creditor's claim or interest arising from the default is not impaired.

Does the Speaker understand fully what I have just described here in the last 5 minutes? If not, Mr. Speaker, I urge the House to pass H.R. 764, the Bankruptcy Amendments of 1997.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the subcommittee Chairman, the gentleman from Pennsylvania [Mr. GEKAS], and the ranking member, the gentleman from New York [Mr. NADLER], for working on this measure that was introduced by myself, and the gentleman from Illinois [Mr. HYDE], on the first day of the session, and they have been at it for quite a while.

The long and short of the bankruptcy laws are that there are about 29 technical corrections and about 5 substantive corrections. The gentleman from Pennsylvania [Mr. GEKAS] has mentioned 4 of the 5, and I am in perfect agreement with him.

We are now hopeful that the Senate will be able to meet with us as early as they can in the year and that we can work this to a favorable resolution, because there are more and more bankruptcy issues coming forward in the next year, the last term of this Congress.

Now, I would like to raise to the Members' attention the fact that our colleague from Michigan [Mr. EHLERS] did us a singular honor by tracking a fifth circuit case that required amending, in which one distinguished judge was not able to distinguish that motor boats and airplanes are in the same category as automobiles, and we talk about nondischargeability, and he weighed in in a very important way to bring about the changes that the gentleman from Pennsylvania [Mr. GEKAS] has referred to.

All in all, this bill clarifies many outstanding issues that those who end

up in bankruptcy matters, the judges, the trustees-in-bankruptcy, and the whole bankruptcy bar has been looking to have resolved for many years. So I am pleased on behalf of the Democrats on the committee to join with the gentleman from Pennsylvania [Mr. GEKAS] in urging that this measure, H.R. 764, be reported.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, first I want to thank the gentleman for yielding me this time to speak regarding section 10(2)(B) of this bill. This section would make nondischargeable through bankruptcy a debt incurred as a result of the operation of a boat or airplane while under the influence of alcohol.

This section is taken from a bill I sponsored for several years and which the House passed unanimously last year, but which unfortunately did not receive action in the Senate. My bill, and this section of H.R. 764, seeks to correct what I believe was a bill-drafting oversight involving our bankruptcy laws.

Current law states that if an individual incurs a debt as a result of the operation of a motor vehicle under the influence of alcohol, they cannot have that debt discharged through a declaration of bankruptcy. Since this law was originally enacted, the courts have generally interpreted the statute's use of the term "motor vehicle" as meaning "automobile," although some courts have differed with that.

Mr. Speaker, as we know, my home State of Michigan has an extraordinarily robust boating industry. Over the years we have worked hard on the State level, as have many other States, to make it perfectly clear that drunk boating is as serious a crime as drunk driving, and we have consistently written Michigan drunk driving laws to explicitly include drunk boating.

The language in this section simply seeks to extend this notion of equal treatment of drunk driving and drunk boating to the Federal level, as it concerns our bankruptcy laws. Since the courts have ruled that the Bankruptcy Code, as it is currently written, may only refer to automobiles, we seek to specifically add watercraft to this section of the Bankruptcy Code.

In addition, while it does not have the public profile of drunk driving and drunk boating, the operation of aircraft under the influence of alcohol and drugs has also been a problem, with far higher potential for injury and death. I might just mention parenthetically the airplane that crashed into the White House a few years ago when someone was flying under the influence of alcohol and drugs. This bill's language recognizes this and includes the drunk operation of aircraft as well.

I want to note here that it is not my intention, nor do I believe that it is the intention of this committee presenting

this bill, to include "watercraft" and "aircraft" in the definition of "motor vehicle," but rather it is the intention to add "watercraft" and "aircraft" to this section of the Bankruptcy Code exclusive of "motor vehicle," and I want the record to reflect this.

Again, Mr. Speaker, while this issue may not garner a great deal of public attention, those that have been negatively impacted by the lack of clarity in this section of the Bankruptcy Code have suffered significantly by not being able to collect judgments that have been given them, and we ought to protect future victims of drunk boating and drunk flying by adopting the simple correction called for in this bill.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I want to thank the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. GEKAS], for the work that he has done on this bill in fashioning it as he did and allowing my inclusion. What I would like to speak about is that H.R. 764 includes a provision, and by the way, I do support this bill, includes a provision that addresses an injustice that exists within Title XI of the United States Code regarding single asset bankruptcies. This provision is similar to legislation that I introduced in H.R. 73, and I thank the entire committee again for bringing this bill to the floor today.

The injustice within Title XI stems from an eleventh hour action, call it 11:59, during the 103d Congress that placed an arbitrary \$4 million ceiling on single asset provisions in the bill. The affect has been to render investors helpless in foreclosures on single assets that were valued over \$4 million. H.R. 764 will provide some relief to victims of this arbitrary \$4 million ceiling by raising the ceiling to \$15 million.

While I am glad to see we are moving in the right direction, I frankly believe we should eliminate the arbitrary ceiling altogether. Under this law, Chapter XI of the Bankruptcy Code serves as a legal shield for the debtor.

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While in Chapter 11, the debtor will continue to collect the rents on this commercial asset. There is a problem. The problem is that the commercial property will typically be left to deteriorate and the property taxes go unpaid. When the investor finally recovers the property through the delayed foreclosure, they owe an enormous amount of back taxes, they receive a commercial property left in deterioration which has lower rent value and lower resale value, and, meanwhile, the rent for all the months or years they were trying to retain the property went to an uncollectable debtor.

It is also worth noting that H.R. 764 does not leave the debtor without protection. First, the investor brings a

foreclosure against a debtor only as a last resort; and, second, the debtor has up to 90 days to reorganize under Chapter 11.

Mr. Speaker, I urge my colleagues to support H.R. 764. While I feel that we should eliminate the arbitrary ceiling on single-asset bankruptcies, this bill moves us in the right direction by making it harder for individuals to game the system.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank our colleague, the gentleman from Michigan, for adding to the impetus of this legislation, and I thank the gentleman from Michigan and the gentleman from New York [Mr. NADLER] for their cooperation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. CALVERT]. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 764, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS TO SECTION 10 OF TITLE 9, UNITED STATES CODE

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2440) to make technical amendments to section 10 of title 9, United States Code.

The Clerk read as follows:

H.R. 2440

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

SECTION 1. VACATION OF AWARDS.

Section 10 of title 9, United States Code, is amended—

(1) by indenting the margin of paragraphs (1) through (4) of subsection (a) 2 ems;

(2) by striking "Where" in such paragraphs and inserting "where";

(3) by striking the period at the end of paragraphs (1), (2), and (3) of subsection (a) and inserting a semicolon and by adding "or" at the end of paragraph (3);

(4) by redesignating subsection (b) as subsection (c); and

(5) in paragraph (5), by striking "Where an award" and inserting "If an award", by inserting a comma after "expired", and by redesignating the paragraph as subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a momentous piece of legislation. I hope the Speaker pays close attention to the content of our presentation.

This bill is sponsored by myself and the gentleman from New York [Mr. NADLER], and there is no controversy associated with it except what I am going to make of it. But, Mr. Speaker, H.R. 2440 is truly a technical corrections bill, which the gentleman from New York and I have introduced, with the agreement of the Office of Law Revision Counsel.

Section 10 of title 9, United States Code, has a typographical flaw which has evaded detection ever since its original enactment. That section enumerates the grounds for vacating an arbitrator's award with each new ground beginning with the word "where." The fifth ground, however, is obviously not a ground for vacating an award but, rather, the beginning of a new sentence.

The error was called to our attention by a law clerk for a justice of the State of New York Supreme Court, the Appellate Division, Mr. Peter Brokowski by name, who had occasion to refer to the statute. This, of course, is in itself heartening as an example of observant and conscientious citizens participating in and having an effect on their government. We want the record to show how much we worked on this piece of legislation. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, this bill, as the distinguished chairman said, is a momentous piece of legislation. We refer to it as the comma bill. It clears up the language in title 9 of the U.S. Code without making any substantive changes.

Section 10(a) of the Code sets out four cases under which a court may vacate an arbitrator's award after application of one of the parties. However, section 10(a) contains what appears to be a fifth case in which an award may be vacated. In fact, it is clear from the context that section 10(a)(5) is intended to set out the circumstances under which the court may direct a rehearing by the arbitrators, and not a vacating of the arbitrator's award. It should therefore be placed into a separate subsection. The bill does this and clarifies the law, so I support this bill.

I would only add that the chairman referred to the law clerk who brought it to our attention. He is the law clerk of the Appellate Division justice, the Honorable Richard Wallach, who is a constituent and longtime friend and associate of mine. I am glad that his office was on the ball and brought this to our attention.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I regret that we have no more speakers on this subject, since I wanted a full debate, but I have no further requests for time, so I reluctantly yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 2440.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO THE CHICKASAW TRAIL ECONOMIC DEVELOPMENT COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 95) granting the consent of Congress to the Chickasaw Trail Economic Development Compact.

The Clerk read as follows:

H.J. RES. 95

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, The Congress consents to the Chickasaw Trail Economic Development Compact entered into by the State of Tennessee and the State of Mississippi. The compact is substantially as follows:

CHICKASAW TRAIL ECONOMIC DEVELOPMENT COMPACT

Article I. The purpose of this compact is to promote the development of an undeveloped rural area of Marshall County, Mississippi, and Fayette County, Tennessee (hereinafter referred to as "Chickasaw Trail Economic Development Area"), and to create a development authority which incorporates public and private partnerships to facilitate the economic growth of such areas by providing developed sites for the location and construction of manufacturing plants, distribution facilities, research facilities, regional and national offices with supportive services, and facilities, and to establish a joint interstate authority to assist in these efforts.

Article II. This compact shall become effective immediately whenever the states of Tennessee and Mississippi have ratified it and Congress has given consent thereto.

Article III. The states which are parties to this compact (hereinafter referred to as "party states") do hereby establish and create a joint agency which shall be known as the Chickasaw Trail Economic Development Authority (hereinafter referred to as the "Authority"). The membership of the Authority shall consist of an appointee of the Governor of each party state, each state's chief economic development official or his/her representative, appointee of each of the member counties board of supervisors/county legislative body, selected from nominees from the county's industrial development board, and an appointee of the property owners' group. The appointive members of the authority shall serve for terms of four (4) years. Vacancies on the Authority shall be filled by appointment by the Governor or the appropriate appointing authority for the unexpired part of the term. The members of the Authority shall serve without compensation or reimbursement of expenses. The