

pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

“(2) A motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Select Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.”;

(6) by amending subsection (g) to read as follows:

“(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.”; and

(7) by amending subsection (h) to read as follows:

“(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting preliminary inquiries and adjudicatory reviews.”.

SEC. 4. AUTHORITY OF THE SELECT COMMITTEE.

Section 3 of the resolution is amended—
(1) in subsection (b), by amending paragraph (2) to read as follows:

“(2) Any adjudicatory review as defined in section 2(b)(3) shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.”; and

(2) by amending subsection (d) to read as follows:

“(d)(1) Subpoenas may be authorized by—
“(A) the Select Committee; or
“(B) the chairman and vice chairman, acting jointly.

“(2) Any such subpoena shall be issued and signed by the chairman and the vice chairman and may be served by any person designated by the chairman and vice chairman.

“(3) The chairman or any member of the Select Committee may administer oaths to witnesses.”.

SEC. 5. EFFECTIVE DATE OF AMENDMENTS.

The amendments made by this resolution shall take effect on the date this resolution is agreed to, except that the amendments shall not apply with respect to further proceedings in any preliminary inquiry, initial review, or investigation commenced before that date under Senate Resolution 338, agreed to July 24, 1964 (88th Congress, 2d Session).

AMENDMENTS SUBMITTED

THE BANKRUPTCY REFORM ACT OF 1999

GRASSLEY (AND FEINSTEIN) AMENDMENT NO. 2514

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by them to the bill (S. 625) to amend title 11, United States Code, and for other purposes; as follows:

Insert at the appropriate place:

Section 362(b)(18) of title 11, United States Code, is amended to read as follows:

(18) under subsection (a) of the creation or perfection of a statutory lien for an ad valorem property tax, or a special tax or special assessment on real property whether or not ad valorem, imposed by a governmental unit, if such tax or assessment comes due after the filing of the petition.

GRASSLEY (AND TORRICELLI) AMENDMENT NO. 2515

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 625, *supra*; as follows:

On page 6, line 12, insert “11 or” after “chapter”.

On page 6, line 24, insert “11 or” after “chapter”.

On page 12, lines 21 and 22, strike “was not substantially justified” and insert “was frivolous”.

On page 14, strike lines 8 through 14 and insert the following:

“(C)(i) No judge, United States trustee, panel trustee, bankruptcy administrator, or other party in interest shall bring a motion under section 707(b)(2) if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly total income equal to or less than the national or applicable State median household monthly income calculated (subject to clause (ii) on a semiannual basis of a household of equal size.

“(ii) For a household of more than 4 individuals, the median income shall be that of a household of 4 individuals, plus \$583 for each additional member of that household.”.

On page 14, in the matter between lines 18 and 19, insert “11 or” after “chapter”.

On page 14, after the matter between lines 18 and 19, insert the following:

SEC. 103. FINDINGS AND STUDY.

(a) FINDINGS.—Congress finds that the Secretary of the Treasury has the inherent authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Director of the Executive Office of United States Trustees, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Secretary concerning the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of those standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Secretary of the Treasury under paragraph (1).

On page 14, line 19, strike “103” and insert “104”.

On page 15, line 12, strike “104” and insert “105”.

On page 15, lines 9 and 10, strike “credit counseling service” and insert “nonprofit budget and credit counseling agency”.

On page 17, line 19, strike “105” and insert “106”.

On page 18, lines 3 and 4, strike “credit counseling service” and insert “budget and credit counseling agency”.

On page 18, line 5, insert “(including a briefing conducted by telephone)” after “briefing”.

On page 18, line 12, strike “credit counseling services” and insert “budget and credit counseling agency”.

On page 18, line 12, strike “are” and insert “is”.

On page 18, line 15, strike “those programs” and insert “that agency”.

On page 18, line 21, insert after the period the following: “Notwithstanding the preceding sentence, a nonprofit budget and credit counseling service may be disapproved by the United States trustee or bankruptcy administrator at any time.”.

On page 19, lines 4 and 5, strike “credit counseling service” and insert “budget and credit counseling agency”.

On page 21, lines 6 and 7, strike “credit counseling service” and insert “approved nonprofit budget and credit counseling agency”.

On page 21, lines 10 and 11, strike “credit counseling service” and insert “approved nonprofit budget and credit counseling agency”.

On page 21, line 16, strike “Credit counseling services” and insert “Nonprofit budget and credit counseling agencies”.

On page 21, line 19, strike “credit counseling services” and insert “nonprofit budget and credit counseling agencies”.

On page 21, line 25, strike the quotation marks and the final period.

On page 21, after line 25, insert the following:

“(b) For inclusion on the approved list under subsection (a), the United States trustee or bankruptcy administrator shall require the credit counseling service, at a minimum—

“(1) to be a nonprofit budget and credit counseling agency, the majority of the board of directors of which—

“(A) are not employed by the agency; and
“(B) will not directly or indirectly benefit financially from the outcome of a credit counseling session;

“(2) if a fee is charged for counseling services, to charge a reasonable fee, and to provide services without regard to ability to pay the fee;

“(3) to provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

“(4) to provide full disclosures to clients, including funding sources, counselor qualifications, and possible impact on credit reports;

“(5) to provide adequate counseling with respect to client credit problems that includes an analysis of their current situation, what brought them to that financial status, and how they can develop a plan to handle the problem without incurring negative amortization of their debts; and

“(6) to provide trained counselors who receive no commissions or bonuses based on the counseling session outcome.

“(c)(1) In this subsection, the term ‘credit counseling service’—

“(A) means—

“(i) a nonprofit credit counseling service approved under subsection (a); and

“(ii) any other consumer education program carried out by—

“(I) a trustee appointed under chapter 13; or

“(II) any other public or private entity or individual; and

“(B) does not include any counseling service provided by the attorney of the debtor or an agent of the debtor.

“(2)(A) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

“(B) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

“(i) any actual damages sustained by the debtor as a result of the violation; and

“(ii) any court costs or reasonable attorneys’ fees (as determined by the court) incurred in an action to recover those damages.”

On page 22, strike the matter between lines 3 and 4, and insert the following:

“111. Nonprofit budget and credit counseling agencies; financial management instructional courses.”

On page 30, line 11, insert “, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title,” after “under this title”.

On page 30, lines 14 and 15, strike “or legal guardian; or” and insert “, legal guardian, or responsible relative; or”.

On page 30, line 21, strike “or legal guardian”.

On page 31, line 10, strike “or legal guardian” and insert “, legal guardian, or responsible relative”.

On page 32, line 9, strike all through line 3 on page 33 and insert the following:

“(1) First:

“(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

“(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child’s parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a government unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.”.

On page 33, line 4, strike all through page 37, line 6 and insert the following:

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

“(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.”;

(2) in section 1208(c)—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.”;

(3) in section 1222(a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor’s projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.”;

(4) in section 1222(b)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following:

“(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims.”;

(5) in section 1225(a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.”;

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting “, and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid” after “completion by the debtor of all payments under the plan”;

(7) in section 1307(c)—

(A) in paragraph (9), by striking “or” at the end;

(B) in paragraph (10), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.”;

(8) in section 1322(a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding in the end the following:

“(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor’s projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.”;

(9) in section 1322(b)—

(A) in paragraph (9), by striking “; and” and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

“(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and”;

(10) in section 1325(a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid amounts payable after the date on which the petition is filed.”; and

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting “, and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid” after “completion by the debtor of all payments under the plan”.

On page 37, strike lines 10 and 11 and insert “amended by striking paragraph (2) and inserting the”.

On page 37, lines 14 and 15, strike “of an action or proceeding for—” and insert “or continuation of a civil action or proceeding—”.

On page 37, line 16, insert “for” after “(i)”.

On page 37, line 19, insert “for” after “(ii)”.

On page 37, line 21, strike “or”.

On page 37, between lines 21 and 22, insert the following:

“(iii) concerning child custody or visitation;

“(iv) for the dissolution of a marriage except to the extent that such a proceeding seeks to determine the division of property which is property of the estate; or

“(v) regarding domestic violence;

On page 37, line 24, strike the quotation marks and second semicolon.

On page 37, after line 24, add the following:

“(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation pursuant to a judicial or administrative order;

“(D) the withholding, suspension, or restriction of drivers’ licenses, professional and occupational licenses, and recreational

licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

“(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

“(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

“(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).”;

On page 38, line 12, strike all through page 39, line 25.

On page 40, between lines 13 and 14, insert the following:

(i) by inserting “to a spouse, former spouse, or child of the debtor and” before “not of the kind”.

On page 40, line 14, strike “(i)” and insert “(ii)”.

On page 40, line 16, strike “(ii)” and insert “(iii)”.

On page 40, insert between lines 18 and 19 the following:

(C) by striking paragraph (18); and

On page 41, line 4, strike “(5)” and insert “(4)”.

On page 41, line 7, strike “(5)” and insert “(4)”.

On page 41, line 12, strike “(5)” and insert “(4)”.

On page 43, strike lines 16 through 20 and insert the following: Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting “or for a domestic support obligation that first becomes payable after the date on which the petition is filed” after “dependent of the debtor”.

On page 43, strike line 22 through page 44, line 2, and insert the following: Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting “or for a domestic support obligation that first becomes payable after the date on which the petition is filed” after “dependent of the debtor”.

On page 44, line 14, strike “for support” through line 16, and insert “for a domestic support obligation.”.

On page 45, line 23, strike “and”.

On page 45, between lines 23 and 24, insert the following:

“(III) the last recent known name and address of the debtor’s employer; and

On page 45, line 24, strike “(III)” and insert “(IV)”.

On page 46, strike lines 6 through 11 and insert the following:

“(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 46, line 19, strike “(b)” and insert “(a)”.

On page 46, line 20, strike “(5)” and insert “(6)”.

On page 46, line 22, strike “(6)” and insert “(7)”.

On page 47, strike lines 1 through 6 and insert the following:

“(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).”; and

On page 47, line 8, strike “(b)(7)” and insert “(a)(7)”.

On page 48, line 7, strike “and”.

On page 48, insert between lines 7 and 8 the following:

“(III) the last recent known name and address of the debtor’s employer; and”

On page 48, line 8, strike “(III)” and insert “(IV)”.

On page 48, line 11, strike “(4), or (14A)” and insert “(3), or (14)”.

On page 48, strike lines 15 through 20 and insert the following:

“(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 49, strike lines 9 through 14 and insert the following:

“(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).”; and

On page 50, line 16, strike “and”.

On page 50, insert between lines 16 and 17 the following:

“(III) the last recent known name and address of the debtor’s employer; and”.

On page 50, line 17, strike “(III)” and insert “(IV)”.

On page 50, line 20, strike “(4), or (14A)” and insert “(3), or (14)”.

On page 50, strike line 24 and all that follows through page 51, line 4 and insert the following:

“(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 51, strike lines 19 through 24 and insert the following:

“(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d).”; and

On page 52, line 24, strike “and”.

On page 52, after line 24, add the following:

“(III) the last recent known name and address of the debtor’s employer; and”.

On page 53, line 1, strike “(III)” and insert “(IV)”.

On page 53, line 4, strike “(4), or (14A)” and insert “(3), or (14)”.

On page 53, strike lines 8 through 12 and insert the following:

“(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 76, line 15, strike “523(a)(9)” and insert “523(a)(8)”.

On page 82, strike lines 4 through 9 and insert “title 11, United States Code, is amended by adding at the end the following”.

On page 82, line 10, strike “(19)” and insert “(18)”.

On page 83, between lines 4 and 5, insert the following:

SEC. 225. PROTECTION OF EDUCATION SAVINGS.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, as amended by section 903, is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (6) as paragraph (8); and

(B) by inserting after paragraph (5) the following:

“(6) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of filing of the petition, but—

“(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

“(B) only to the extent that such funds—

“(i) are not pledged or promised to any entity in connection with any extension of credit; and

“(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

“(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed \$5,000;

“(7) funds used to purchase a tuition credit or certificate or contributed to an account in

accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

“(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

“(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

“(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed \$5,000; or”; and

(2) by adding at the end the following:

“(g) In determining whether any of the relationships specified in paragraph (6)(A) or (7)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual’s household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child’s principal place of abode the home of the debtor and is a member of the debtor’s household) shall be treated as a child of such individual by blood.”.

(b) DEBTOR’S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 105(d), 304(c)(1), 305(2), 315(b), and 316 of this Act, is amended by adding at the end the following:

“(k) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).”.

On page 91, between lines 18 and 19, insert the following:

(c) MODIFICATION OF A RESTRICTION RELATING TO WAIVERS.—Section 522(e) of title 11, United States Code, is amended—

(1) in the first sentence, by striking “subsection (b) of this section” and inserting “subsection (b), other than under paragraph (3)(C) of that subsection”; and

(2) in the second sentence—

(A) by inserting “(other than property described in subsection (b)(3)(C))” after “property” each place it appears; and

(B) by inserting “(other than a transfer of property described in subsection (b)(3)(C))” after “transfer” each place it appears.

On page 91, line 23, strike “105(d)” and insert “106(d)”.

On page 92, line 17, strike “(C)” and insert “(D)”.

On page 92, line 18, strike “(b)” and insert “(c)”.

On page 94, line 25, strike “105(d)” and insert “106(d)”.

On page 95, line 16, strike “(c)” and insert “(d)”.

On page 109, line 13, strike “by adding at the end” and insert “by inserting after subsection (e)”.

On page 111, line 18, insert “(a) IN GENERAL.” before “Section”.

On page 112, line 14, insert a dash after the period.

On page 112, line 19, strike “(4)” and insert “(3)”.

On page 112, line 20, strike “(3)(B), (5), (8), or (9) of section 523(a)” and insert “(4), (7), or (8) of section 523(a)”.

On page 116, line 16, strike “(d)(1)” and insert “(e)(1)”.

On page 117, line 5, strike “(e)” and insert “(f)”.

On page 118, line 1, strike “(A) beginning” and insert the following:

“(A) beginning”.

On page 118, line 5, strike “(B) thereafter,” and insert the following:

“(B) thereafter.”.

On page 118, line 8, strike “(f)(1)” and insert “(g)(1)”.

On page 118, strike line 23 and insert the following: “subsection (h)”.

On page 118, line 24, strike “(g)(1)” and insert “(h)(1)”.

On page 119, line 21, strike “(h)” and insert “(i)”.

On page 120, line 11, strike “(i)” and insert “(j)”.

On page 124, strike lines 7 through 14 and insert the following:

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

“§ 1115. Property of the estate

“In a case concerning an individual, property of the estate includes, in addition to the property specified in section 541—

“(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

“(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

“1115. Property of the estate.”.

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.”.

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

“(14) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

“(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

“(B) the value of the property to be distributed under the plan is not less than the debt-

or’s projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 3-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer.”.

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: “, except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)”.

(d) EFFECT OF CONFIRMATION.—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking “The confirmation of a plan does not discharge an individual debtor” and inserting “A discharge under this chapter does not discharge a debtor”; and

(2) by adding at the end the following:

“(5) In a case concerning an individual—

“(A) except as otherwise ordered for cause shown, the discharge is not effective until completion of all payment under the plan; and

“(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

“(i) for each allowed unsecured claim, the value as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

“(ii) modification of the plan under 1127 of this title is not practicable.”.

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

“(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

“(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

“(2) extend or reduce the time period for such payments; or

“(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.”.

“(f)(1) Sections 1121 through 1128 of this title and the requirements of section 1129 of this title apply to any modification under subsection (a).

“(2) The plan, as modified, shall become the plan only after there has been disclosure under section 1125, as the court may direct, notice and a hearing, and such modification is approved.”.

Beginning on page 135, strike line 19 and all that follows through page 136, line 2, and insert the following:

SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: “On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate

representation of creditors or equity security holders. The court may increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.”.

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

(3) A committee appointed under subsection (a) shall—

“(A) provide access to information for creditors who—

“(i) hold claims of the kind represented by that committee; and

“(ii) are not appointed to the committee;

“(B) solicit and receive comments from the creditors described in subparagraph (A); and

“(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).”.

On page 145, between lines 15 and 16, insert the following:

SEC. 420. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for the United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor’s interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

On page 147, line 15, strike “title)” and insert “title and excluding a person whose primary activity is the business of owning and operating real property and activities incidental thereto”.

On page 150, line 14, insert “and other required government filings” after “returns”.

On page 150, line 19, insert “and other required government filings” after “returns”.

On page 152, strike lines 19 through 21 and insert the following:

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by section 321 of this Act, is amended by adding at the end the following:

On page 153, line 1, strike “1115” and insert “1116”.

On page 153, line 7, strike “3” and insert “7”.

On page 154, line 9, strike the semicolon and insert “and other required government filings; and”.

On page 154, strike lines 14 through 25.

On page 155, strike line 7 and all that follows through the matter between lines 9 and 10 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

“1116. Duties of trustee or debtor in possession in small business cases.

On page 156, line 19, strike “150” and insert “175”.

On page 156, line 20, strike “150-day” and insert “175-day”.

On page 162, strike lines 14 through 20 and insert the following:

“(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

On page 162, line 21, strike “reason is” and insert “grounds include”.

On page 162, line 22, strike “that”.

On page 162, line 23, insert “for which” before “there exists”.

On page 163, line 1, strike “(ii)(I)” and insert “(ii)”.

On page 163, line 1, strike “that act or omission” and insert “which”.

On page 163, line 3, strike “, but not” and all that follows through line 8 and insert a period.

On page 163, line 22, insert after “failure to maintain appropriate insurance” the following: “that poses a risk to the estate or to the public”.

On page 164, line 3, insert “repeated” before “failure”.

On page 165, line 2, strike “and”.

On page 165, line 3, insert “confirmed” before “plan”.

On page 165, line 4, strike the period and insert “; and”.

On page 165, between lines 4 and 5, insert the following:

“(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

On page 165, line 23, insert “or an examiner” after “trustee”.

On page 167, after line 21, insert the following:

SEC. 435. TECHNICAL CORRECTION.

Section 365(b)(2)(D) of title 11, United States Code, is amended by striking “penalty rate or provision” and inserting “penalty rate or penalty provision”.

On page 183, line 20, strike all through line 13 on page 187.

On page 187, line 14, strike “703” and insert “702”.

On page 187, line 20, strike “704” and insert “703”.

On page 189, line 9, strike “705” and insert “704”.

On page 190, line 13, strike “706” and insert “705”.

On page 190, line 17, strike “707” and insert “706”.

On page 190, line 22, strike “708” and insert “707”.

On page 191, line 8, strike “709” and insert “708”.

On page 192, line 3, strike “710” and insert “709”.

On page 193, line 13, strike “711” and insert “710”.

On page 193, line 21, strike “712” and insert “711”.

On page 196, line 1, strike “713” and insert “712”.

On page 196, line 11, strike “714” and insert “713”.

On page 197, line 12, strike “715” and insert “714”.

On page 197, line 15, strike “703” and insert “702”.

On page 197, line 18, strike “716” and insert “715”.

On page 201, line 3, insert a semicolon after “following”.

On page 202, line 4, strike “717” and insert “716”.

On page 202, line 18, strike “718” and insert “717”.

On page 248, line 15, strike “718” and insert “717”.

On page 266, line 13, insert “AND FAMILY FISHERMEN” after “FARMERS”.

On page 268, insert between lines 16 and 17 the following:

SEC. 1005. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

“(7A) ‘commercial fishing operation’ includes—

“(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products; and

“(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);”;

“(7B) ‘commercial fishing vessel’ means a vessel used by a fisherman to carry out a commercial fishing operation;”;

(2) by inserting after paragraph (19) the following:

“(19A) ‘family fisherman’ means—

“(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

“(i) whose aggregate debts do not exceed \$1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

“(ii) who receive from such commercial fishing operation more than 50 percent of such individual’s or such individual’s and spouse’s gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

“(B) a corporation or partnership—

“(i) in which more than 50 percent of the outstanding stock or equity is held by—

“(I) 1 family that conducts the commercial fishing operation; or

“(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

“(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

“(II) its aggregate debts do not exceed \$1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

“(III) if such corporation issues stock, such stock is not publicly traded;”; and

(3) by inserting after paragraph (19A) the following:

“(19B) ‘family fisherman with regular annual income’ means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;”.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting “or family fisherman” after “family farmer”.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting “OR FISHERMAN” after “FAMILY FARMER”;

(2) in section 1201, by adding at the end the following:

“(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

“(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.”;

(3) in section 1203, by inserting “or commercial fishing operation” after “farm”;

(4) in section 1206, by striking “if the property is farmland or farm equipment” and inserting “if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)”;

(5) by adding at the end the following:

“§ 1232. Additional provisions relating to family fishermen

“(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

“(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

“(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

“(b) A lien described in this subsection is—

“(1) a maritime lien under subchapter III of chapter 313 of title 46, United States Code, without regard to whether that lien is recorded under section 31343 of title 46, United States Code; or

“(2) a lien under applicable State law (or the law of a political subdivision thereof).

“(c) Subsection (a) shall not apply to—

“(1) a claim made by a member of a crew or a seaman including a claim made for—

“(A) wages, maintenance, or cure; or

“(B) personal injury; or

“(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46, United States Code.

“(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.”.

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

“12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income 1201.”

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

“1232. Additional provisions relating to family fishermen.”.

On page 277, line 22, insert “(a) IN GENERAL.” before “Section”.

On page 279, between lines 12 and 13, insert the following:

(b) DEBT.—Section 803(5) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(5)) is amended to read as follows:

“(5) The term ‘debt’ means any obligation or alleged obligation of a consumer to pay money arising out of a transaction involving an offer of credit, as defined in section 103(e) of the Truth in Lending Act (15 U.S.C. 1602(e)), in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.”

On page 281, line 21, strike “714” and insert “713”.

Beginning on page 292, strike line 10 and all that follows through page 294, line 11.

On page 294, insert between lines 11 and 12 the following:

SEC. 322. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) **ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.**—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) For a case commenced—

“(A) under chapter 7 of title 11, \$160; or
“(B) under chapter 13 of title 11, \$150.”.

(b) **UNITED STATES TRUSTEE SYSTEM FUND.**—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

“(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;”;

(2) in paragraph (2) by striking “one-half” and inserting “three-fourths”; and

(3) in paragraph (4) by striking “one-half” and inserting “100 percent”.

(c) **COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.**—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking “pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931” and inserting “under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title”.

(d) **RIGHTS AND POWERS OF THE TRUSTEE.**—Section 546(c) of title 11, United States Code, is amended to read as follows:

“(c)(1) Except as provided in subsection (d) of this section, and except as provided in subsection (c) of section 507, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 are subject to the right of a seller of goods that has sold goods to the debtor, in the ordinary course of the business of the seller, to reclaim such goods if the debtor has received such goods within 45 days prior to the commencement of a case under this title, but such seller may not reclaim any such goods unless the seller demands in writing the reclamation of such goods—

“(A) before 45 days after the date of receipt of such goods by the debtor; or

“(B) if such 45-day period expires after the commencement of the case, before 20 days after the date of commencement of the case.

“(2) Notwithstanding the failure of the seller to provide notice in a manner con-

sistent with this subsection, the seller shall be entitled to assert the rights established in section 503(b)(7) of this title.”.

(e) **ADMINISTRATIVE EXPENSES.**—Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) the invoice price of any goods received by the debtor within 20 days of the date of filing of a case under this title where the goods have been sold to the debtor in the ordinary course of such seller’s business.”.

KOHL (AND OTHERS) AMENDMENT NO. 2516

Mr. KOHL (for himself, Mr. SESSIONS, and Mr. GRASSLEY) proposed an amendment to the bill, S. 625, *supra*; as follows:

At the appropriate place in title III, insert the following:

SEC. 3. LIMITATION.

Section 522 of title 11, United States Code, as amended by sections 224 and 307 of this Act, is amended—

(1) in subsection (b)(3)(A), by inserting “subject to subsection (n),” before “any property”; and

(2) by adding at the end the following:

“(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate \$100,000 in value in—

“(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

“(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

“(C) a burial plot for the debtor or a dependent of the debtor.

“(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer.”.

SARBANES AMENDMENT NO. 2517

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment to the bill, S. 625, *supra*; as follows:

At the appropriate place, insert the following:

TITLE — CONSUMER CREDIT DISCLOSURES

SEC. 01. SHORT TITLE.

This title may be cited as the “Consumer Credit Act of 1999”.

SEC. 02. ENHANCED DISCLOSURES UNDER AN OPEN END CONSUMER CREDIT PLAN.

(a) **REPAYMENT TERMS.**—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

“(11)(A) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

“(i) the required minimum monthly payment on that balance, represented as both a dollar figure and as a percentage of that balance;

“(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum

monthly payments and if no further advances are made;

“(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made; and

“(iv) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months if no further advances are made.

“(B)(i) Subject to clause (ii), in making the disclosures under subparagraph (A) the creditor shall apply the interest rate in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

“(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.”.

(b) **PUBLICATION OF MODEL FORMS.**—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 105 of the Truth in Lending Act for the purpose of compliance with section 127(b)(11) of the Truth in Lending Act, as added by this section.

SEC. 03. CREDIT CARD SECURITY INTERESTS UNDER AN OPEN END CONSUMER CREDIT PLAN.

(a) **IN GENERAL.**—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(h) **SECURITY INTERESTS CREATED UNDER AN OPEN END CONSUMER CREDIT PLAN.**—During the period of an open end consumer credit plan, if the creditor of that plan obtains a security interest in personal property purchased using that credit plan, the creditor shall provide to the consumer, at the time of purchase, a written statement setting forth in a clear, conspicuous, and easy to read format the following information:

“(1) The property in which the creditor will receive a security interest.

“(2) The nature of the security interest taken.

“(3) The method or methods of enforcement of that security interest available to the creditor in the event of nonpayment of the plan balance.

“(4) The method in which payments made on the credit plan balance will be credited against the security interest taken on the property.

“(5) The following statement: ‘This property is subject to a security agreement. You must not dispose of the property purchased in any way, including by gift, until the balance on this account is fully paid.’”.

(b) **PUBLICATION OF MODEL FORMS.**—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 105 of the Truth in Lending Act for the purpose of compliance with section 127(h) of the Truth in Lending Act, as added by this section.

SEC. 04. STATISTICS TO BE REPORTED TO BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM AND TO CONGRESS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(i) REPORTS TO THE BOARD AND TO CONGRESS.—

“(1) REPORTS TO THE BOARD.—Any creditor making advances under an open end credit plan shall, using model forms developed and published by the Board, annually submit to the Board a report, which shall include—

“(A) the total number of open end credit plan solicitations made to consumers;

“(B) the total amount of credit (in dollars) offered to consumers;

“(C) a statement of the average interest rates offered to all borrowers in each of the previous 2 years;

“(D) the total amount of credit granted and the average interest rate granted to persons under the age of 25; and

“(E) the total amount of debt written off voluntarily and due to a bankruptcy discharge in each of the 2 years preceding the date on which the report is submitted.

“(2) REPORTS TO CONGRESS.—The Board shall annually compile the information collected under paragraph (1) and submit to the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Banking and Financial Services of the House of Representatives, a report, which shall include—

“(A) aggregate data described subparagraphs (A) through (E) of paragraph (1) for all creditors; and

“(B) individual data described in paragraph (1)(A) for each of the top 50 creditors.”.

SEC. 05. CIVIL LIABILITY.

Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: “In connection with the disclosures referred to in subsections (a), (b), and (h) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or section 127(h), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or section 127(h).”.

SEC. 06. TREATMENT UNDER BANKRUPTCY LAW.

(a) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, is amended by adding at the end the following: “The exception under subparagraphs (A) and (C) of paragraph (2) shall not apply to any claim made by a creditor who has failed to make the disclosures required under section 127(h) of the Truth in Lending Act in connection with such claim, unless a creditor required to make such disclosures files with the court, within 90 days of the date of order for relief, a proof of claim accompanied by a copy of such disclosures that is signed and dated by the debtor.”.

(b) REAFFIRMATION.—Section 524(c) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) in a case concerning a creditor obligated to make the disclosures required under section 127(h) of the Truth in Lending Act, the agreement contains a copy of such disclosures that is signed and dated by the debtor.”.

SESSIONS (AND OTHERS) AMENDMENT NO. 2518

Mr. SESSIONS (for himself, Mr. KOHL, and Mr. GRASSLEY) proposed an amendment No. 2516 proposed by Mr. GRASSLEY to the bill, S. 625, *supra*; as follows:

In the amendment strike all after the first word and insert the following:

3. LIMITATION.

(a) EXEMPTIONS.—Section 522 of title 11, United States Code, as amended by sections 224 and 307 of this Act, is amended—

(1) in subsection (b)(3)(A), by inserting “subject to subsection (n),” before “any property”; and

(2) by adding at the end the following:

“(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate \$100,000 in value in—

“(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

“(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

“(C) a burial plot for the debtor or a dependent of the debtor.

“(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer.”.

(b) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking “522(d),” and inserting “522 (d) or (n),”; and

(2) in paragraph (3), by striking “522(d),” and inserting “522 (d) or (n),”.

COLLINS (AND OTHERS) AMENDMENT NO. 2519

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. KERRY, Mrs. MURRAY, Mr. STEVENS, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 625, *supra*; as follows:

At the appropriate place insert the following:

SEC. 07. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

“(7A) ‘commercial fishing operation’ includes—

“(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products;

“(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A); and

“(C) the transporting by vessel of a passenger for hire (as defined in section 2101 of title 46) who is engaged in recreational fishing;

“(7B) ‘commercial fishing vessel’ means a vessel used by a fisherman to carry out a commercial fishing operation.”;

(2) by inserting after paragraph (19) the following:

“(19A) ‘family fisherman’ means—

“(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

“(i) whose aggregate debts do not exceed \$1,500,000 and not less than 80 percent of

whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

“(ii) who receive from such commercial fishing operation more than 50 percent of such individual’s or such individual’s and spouse’s gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

“(B) a corporation or partnership—

“(i) in which more than 50 percent of the outstanding stock or equity is held by—

“(I) 1 family that conducts the commercial fishing operation; or

“(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

“(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

“(II) its aggregate debts do not exceed \$1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

“(III) if such corporation issues stock, such stock is not publicly traded.”;

(3) by inserting after paragraph (19A) the following:

“(19B) ‘family fisherman with regular annual income’ means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title.”.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting “or family fisherman” after “family farmer”.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting “OR FISHERMAN” after “FAMILY FARMER”;

(2) in section 1201, by adding at the end the following:

“(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

“(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.”;

(3) in section 1203, by inserting “or commercial fishing operation” after “farm”;

(4) in section 1206, by striking “if the property is farmland or farm equipment” and inserting “if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)”;

(5) by adding at the end the following:

“§ 1232. Additional provisions relating to family fishermen

“(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing

vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

“(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

“(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

“(b) A lien described in this subsection is—

“(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

“(2) a lien under applicable State law (or the law of a political subdivision thereof).

“(c) Subsection (a) shall not apply to—

“(1) a claim made by a member of a crew or a seaman including a claim made for—

“(A) wages, maintenance, or cure; or

“(B) personal injury; or

“(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

“(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.”.

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

“12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income 1201”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

“1232. Additional provisions relating to family fishermen.”.

(e) Applicability.—

Nothing in this section shall change, affect, or amend the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801, et seq.).

McCONNELL AMENDMENT NO. 2520

(Ordered to lie on the table.)

Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3. COMPENSATION OF TRUSTEES IN CERTAIN CASES UNDER CHAPTER 7 OF TITLE 11, UNITED STATES CODE.

Section 326 of title 11, United States Code, is amended by adding at the end the following:

“(e) In a case that has been converted under section 706, or after a case has been converted or dismissed under section 707 or the debtor has been denied a discharge under section 727—

“(1) the court may allow reasonable compensation under section 330 for the trustee's services rendered, payable after the trustee renders services; and

“(2) any allowance made by a court under paragraph (1) shall not be subject to the limitations under subsection (a).”.

DURBIN AMENDMENT NO. 2521

Mr. FEINGOLD (for Mr. DURBIN) proposed an amendment to the bill, S. 625, supra; as follows:

On page 29, after line 22, add the following:

SEC. 205. DISCOURAGING PREDATORY LENDING PRACTICES.

Section 502(b) of title 11, United States Code is amended—

(1) in paragraph (8), by striking “or” at the end:

(2) in paragraph (9), by striking the period at the end and inserting “;or” and

(3) by adding at the end the following:

“(10) the claim is based on a secured debt, if the creditor has materially failed to comply with any applicable requirement under section (c), (d), (e), (f), (g), (h), or (i) of section 129 of the Truth in Lending Act (15 U.S.C. 1639).”

On page 201, line 3 strike “period at the end” and insert “semicolon”.

FEINGOLD AMENDMENT NO. 2522

Mr. FEINGOLD proposed an amendment to the bill, S. 625, supra; as follows:

On page 7, line 15, strike “(ii)” and insert “(ii)(I)”.

On page 7, between lines 21 and 22, insert the following:

“(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor for care and support of a household member or member of the debtor's immediate family (including parents, grandparents, and siblings of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case) who is not a dependent.

JOHNSON AMENDMENT NO. 2523

(Ordered to lie on the table.)

Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . TREATMENT OF FEDERAL COMMUNICATIONS COMMISSION LICENSES OR PERMITS IN BANKRUPTCY PROCEEDINGS.

Section 309(j)(8) of the Communications Act of 1934 is amended by adding new paragraph (D) as follows:

“(D) PROTECTION OF INTERESTS.—

“(i) Title 11, United States Code, or any otherwise applicable Federal or state law regarding insolvencies or receiverships, or any succeeding Federal law not expressly in derogation of this subsection, shall not apply to or be construed to apply to the Commission or limit the rights, powers, or duties of the Commission with respect to (a) a license or permit issued by the Commission under this subsection or a payment made to or a debt or other obligation owed to the Commission relating to or rising from such a license or permit, (b) an interest of the Commission in property securing such a debt or other obligation, or (c) an act by the Commission to issue, deny, cancel, or transfer control of such a license or permit.

“(ii) Notwithstanding otherwise applicable law, the Commission shall be deemed to have a perfected, first priority security interest in a license or construction permit issued by the Commission under this subsection and the proceeds of such a license or permit for which a debt or other obligation is owed to the Commission under this subsection.

“(iii) This paragraph shall apply retroactively, including to pending cases and proceedings whether on appeal or otherwise.”.

GRAMM AMENDMENT NOS. 2524-2526

Mr. GRAMM submitted three amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 2524

Strike the matter proposed and insert the following:

SEC. . MAXIMUM HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, as amended by section 308 of this Act, is amended—

(1) in subsection (b)(3)(A), by striking “subsection (n)” and inserting “subsections (n) and (o)”; and

(2) by adding at the end the following:

“(o) Notwithstanding any other provision of law, for purposes of subsection (b)(3)(A), the maximum exemption under applicable State law from the property of the estate of a debtor of the value of an interest of the debtor in any real or personal property or cooperative described in paragraph (1) or (2) of subsection (n) shall not exceed \$100,000, if the debtor acquired the interest—

“(1) during the 2-year period preceding the date of the filing of the petition; and

“(2) no such exemption shall be available during the 5-year period preceding the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor.”.

AMENDMENT NO. 2525

At the appropriate place, insert the following:

SEC. . MAXIMUM HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, as amended by section 308 of this Act, is amended—

(1) in subsection (b)(3)(A), by striking “subsection (n)” and inserting “subsections (n) and (o)”; and

(2) by adding at the end the following:

“(o) Notwithstanding any other provision of law, for purposes of subsection (b)(3)(A), the maximum exemption under applicable State law from the property of the estate of a debtor of the value of an interest of the debtor in any real or personal property or cooperative described in paragraph (1) or (2) of subsection (n) shall not exceed \$100,000, if the debtor acquired the interest—

“(1) during the 2-year period preceding the date of the filing of the petition; or

“(2) during the 5-year period preceding the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor.”.

AMENDMENT NO. 2526

At the appropriate place, insert the following:

SEC. . MAXIMUM HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, as amended by section 308 of this Act, is amended—

(1) in subsection (b)(3)(A), by striking “subsection (n)” and inserting “subsections (n) and (o)”; and

(2) by adding at the end the following:

“(o) Notwithstanding any other provision of law, for purposes of subsection (b)(3)(A), the maximum exemption under applicable State law from the property of the estate of a debtor of the value of an interest of the debtor in any real or personal property or cooperative described in paragraph (1) or (2) of subsection (n) shall not exceed \$100,000, if the debtor acquired the interest—

“(1) during the 2-year period preceding the date of the filing of the petition; and

“(2) no such exemption shall be available during the 5-year period preceding the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor.”.

HATCH (AND OTHERS) AMENDMENT NO. 2527

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. ASHCROFT, and Mr. ABRAHAM) submitted an amendment intended to be

proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —METHAMPHETAMINE AND OTHER CONTROLLED SUBSTANCES

SEC. 01. SHORT TITLE.

This title may be cited as the "Methamphetamine Anti-Proliferation Act of 1999".

Subtitle A—Methamphetamine Production, Trafficking, and Abuse

CHAPTER 1—CRIMINAL PENALTIES

SEC. 11. ENHANCED PUNISHMENT OF AMPHETAMINE LABORATORY OPERATORS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

(1) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(3) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(b) GENERAL REQUIREMENT.—In carrying out this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) relating to amphetamine—

(1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and

(2) take any other action the Commission considers necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving amphetamines, including—

(1) the rapidly growing incidence of amphetamine abuse and the threat to public safety that such abuse poses;

(2) the high risk of amphetamine addiction;

(3) the increased risk of violence associated with amphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of amphetamine and precursor chemicals.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182), as though the authority under that Act had not expired.

SEC. 12. ENHANCED PUNISHMENT OF AMPHETAMINE OR METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or

conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall—

(A) if the offense created a substantial risk of harm to human life (other than a life described in subparagraph (B)) or the environment, increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of harm to the life of a minor or incompetent, increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182), as though the authority under that Act had not expired.

(b) EFFECTIVE DATE.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

SEC. 13. MANDATORY RESTITUTION FOR VIOLATIONS OF CONTROLLED SUBSTANCES ACT AND CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO AMPHETAMINE AND METHAMPHETAMINE.

(a) MANDATORY RESTITUTION.—Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by striking "may" and inserting "shall";

(2) by inserting "amphetamine or" before "methamphetamine" each place it appears;

(3) in paragraph (2)—

(A) by inserting "the State or local government concerned, or both the United States and the State or local government concerned" after "United States" the first place it appears; and

(B) by inserting "or the State or local government concerned, as the case may be," after "United States" the second place it appears; and

(4) in paragraph (3), by striking "section 3663 of title 18, United States Code" and inserting "section 3663A of title 18, United States Code".

(b) DEPOSIT OF AMOUNTS IN DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ";" and"; and

(3) by adding at the end the following:

"(D) all amounts collected—

"(i) by the United States pursuant to a reimbursement order under paragraph (2) of section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)); and

"(ii) pursuant to a restitution order under paragraph (1) or (3) of section 413(q) of the

Controlled Substances Act for injuries to the United States.".

(c) CLARIFICATION OF CERTAIN ORDERS OF RESTITUTION.—Section 3663(c)(2)(B) of title 18, United States Code, is amended by inserting "which may be" after "the fine".

(d) EXPANSION OF APPLICABILITY OF MANDATORY RESTITUTION.—Section 3663A(c)(1)(A)(ii) of title 18, United States Code, is amended by inserting "or under section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a))," after "under this title".

(e) TREATMENT OF ILLICIT SUBSTANCE MANUFACTURING OPERATIONS AS CRIMES AGAINST PROPERTY.—Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

"(c) A violation of subsection (a) shall be considered an offense against property for purposes of section 3663A(c)(1)(A)(ii) of title 18, United States Code.".

SEC. 14. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended in the matter preceding paragraph (1) by inserting "methamphetamine," after "PCP,".

CHAPTER 2—ENHANCED LAW ENFORCEMENT

SEC. 21. ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE.

(a) USE OF AMOUNTS OR DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(1)(E) of title 28, United States Code, is amended—

(1) by inserting "(i) for" before "disbursements";

(2) by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(ii) for payment for—

"(I) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition, of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

"(II) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution relating to amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case";.

(b) GRANTS UNDER DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before the semicolon the following: "and to remove any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine".

(c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

(1) ASSETS FORFEITURE FUND.—Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 524(c)(1)(E)(ii) of title 28, United States Code, as so amended.

(2) GRANT PROGRAM.—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 for the removal of hazardous substances or pollutants or contaminants associated

with the illegal manufacture of amphetamine or methamphetamine by reason of the amendment made by subsection (b) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for such removal.

SEC. 22. REDUCTION IN RETAIL SALES TRANSACTION THRESHOLD FOR NON-SAFE HARBOR PRODUCTS CONTAINING PSEUDOEPHEDRINE OR PHENLYPROPANOLAMINE.

(a) **REDUCTION IN TRANSACTION THRESHOLD.**—Section 102(39)(A)(iv)(II) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)(II)) is amended—

(1) by striking “24 grams” both places it appears and inserting “9 grams”; and

(2) by inserting before the semicolon at the end the following: “and sold in package sizes of not more than 3 grams of pseudoephedrine base or 3 grams of phenylpropanolamine base”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

SEC. 23. TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORIES.

(a) **IN GENERAL.**—

(1) **REQUIREMENT.**—The Administrator of the Drug Enforcement Administration shall carry out the programs described in subsection (b) with respect to the law enforcement personnel of States and localities determined by the Administrator to have significant levels of methamphetamine-related or amphetamine-related crime or projected by the Administrator to have the potential for such levels of crime in the future.

(2) **DURATION.**—The duration of any program under that subsection may not exceed 3 years.

(b) **COVERED PROGRAMS.**—The programs described in this subsection are as follows:

(1) **ADVANCED MOBILE CLANDESTINE LABORATORY TRAINING TEAMS.**—A program of advanced mobile clandestine laboratory training teams, which shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of the illegal manufacturing and trafficking of amphetamine and methamphetamine.

(2) **BASIC CLANDESTINE LABORATORY CERTIFICATION TRAINING.**—A program of basic clandestine laboratory certification training, which shall provide information and training—

(A) to Drug Enforcement Administration personnel and State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of wastes created by illegal amphetamine and methamphetamine laboratories; and

(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide the information and training covered by subparagraph (A) to other State and local law enforcement personnel.

(3) **CLANDESTINE LABORATORY RECERTIFICATION AND AWARENESS TRAINING.**—A program of clandestine laboratory recertification and awareness training, which shall provide information and training to State and local law enforcement personnel for purposes of enabling such personnel to provide recertification and awareness training relating to clandestine laboratories to additional State and local law enforcement personnel.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for

each of fiscal years 2000, 2001, and 2002 amounts as follows:

(1) \$1,500,000 to carry out the program described in subsection (b)(1).

(2) \$3,000,000 to carry out the program described in subsection (b)(2).

(3) \$1,000,000 to carry out the program described in subsection (b)(3).

SEC. 24. COMBATING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) **IN GENERAL.**—

(1) **IN GENERAL.**—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

(2) **ACTIVITIES.**—In meeting the requirement in paragraph (1), the Director shall provide funds for—

(A) employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug-prevention specialists; and

(B) such other activities as the Director considers appropriate.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section—

(1) \$15,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) **APPORTIONMENT OF FUNDS.**—

(1) **FACTORS IN APPORTIONMENT.**—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

(2) **CERTIFICATION.**—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

(d) **LIMITATION ON ADMINISTRATIVE COSTS.**—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in

that fiscal year for administrative costs associated with activities under subsection (a).

SEC. 25. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING.

(a) **ACTIVITIES.**—In order to combat the illegal manufacturing and trafficking in amphetamine and methamphetamine, the Administrator of the Drug Enforcement Administration may—

(1) assist State and local law enforcement in small and mid-sized communities in all phases of investigations related to such manufacturing and trafficking, including assistance with foreign-language interpretation;

(2) staff additional regional enforcement and mobile enforcement teams related to such manufacturing and trafficking;

(3) establish additional resident offices and posts of duty to assist State and local law enforcement in rural areas in combating such manufacturing and trafficking;

(4) provide the Special Operations Division of the Administration with additional agents and staff to collect, evaluate, interpret, and disseminate critical intelligence targeting the command and control operations of major amphetamine and methamphetamine manufacturing and trafficking organizations;

(5) enhance the investigative and related functions of the Chemical Control Program of the Administration to implement more fully the provisions of the Comprehensive Methamphetamine Control Act of 1996 (Public Law 104-237);

(6) design an effective means of requiring an accurate accounting of the import and export of list I chemicals, and coordinate investigations relating to the diversion of such chemicals;

(7) develop a computer infrastructure sufficient to receive, process, analyze, and redistribute time-sensitive enforcement information from suspicious order reporting to field offices of the Administration and other law enforcement and regulatory agencies, including the continuing development of the Suspicious Order Reporting and Tracking System (SORTS) and the Chemical Transaction Database (CTRANS) of the Administration;

(8) establish an education, training, and communication process in order to alert the industry to current trends and emerging patterns in the illegal manufacturing of amphetamine and methamphetamine; and

(9) carry out such other activities as the Administrator considers appropriate.

(b) **ADDITIONAL POSITIONS AND PERSONNEL.**—

(1) **IN GENERAL.**—In carrying out activities under subsection (a), the Administrator may establish in the Administration not more than 50 full-time positions, including not more than 31 special-agent positions, and may appoint personnel to such positions.

(2) **PARTICULAR POSITIONS.**—In carrying out activities under paragraphs (5) through (8) of subsection (a), the Administrator may establish in the Administration not more than 15 full-time positions, including not more than 10 diversion investigator positions, and may appoint personnel to such positions. Any positions established under this paragraph are in addition to any positions established under paragraph (1).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for the Drug Enforcement Administration for each fiscal year after fiscal year 1999, \$9,500,000 for purposes of carrying out the activities authorized by subsection (a) and employing personnel in positions established under subsection (b), of which \$3,000,000 shall be available for activities under paragraphs (5) through (8) of subsection (a) and employing personnel in positions established under subsection (b)(2).

CHAPTER 3—ABUSE PREVENTION AND TREATMENT**SEC. 31. EXPANSION OF METHAMPHETAMINE RESEARCH.**

Section 464N of the Public Health Service Act (42 U.S.C. 285o-2) is amended by adding at the end the following:

“(c) METHAMPHETAMINE RESEARCH.—

“(1) GRANTS OR COOPERATIVE AGREEMENTS.—The Director of the Institute may make grants or enter into cooperative agreements to expand the current and on-going interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction.

“(2) USE OF FUNDS.—Amounts made available under a grant or cooperative agreement under paragraph (1) for methamphetamine abuse and addiction may be used for research and clinical trials relating to—

“(A) the effects of methamphetamine abuse on the human body, including the brain;

“(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

“(C) the connection between methamphetamine abuse and mental health;

“(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;

“(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

“(F) risk factors for methamphetamine abuse;

“(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses; and

“(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

“(3) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

“(4) AUTHORIZATION OF APPROPRIATIONS.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.

“(B) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall supplement and not supplant any other amounts appropriated in such fiscal year for research on methamphetamine abuse and addiction.”.

SEC. 32. METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE BY CENTER FOR SUBSTANCE ABUSE TREATMENT.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following new section:

“METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE

“SEC. 514. (a) GRANTS.—

“(1) AUTHORITY TO MAKE GRANTS.—The Director of the Center for Substance Abuse Treatment may make grants to States and Indian tribes recognized by the United States that have a high rate, or have had a rapid increase, in methamphetamine or amphetamine abuse or addiction in order to permit such States and Indian tribes to expand activities in connection with the treatment of methamphetamine or amphetamine abuser or addiction in the specific geo-

graphical areas of such States or Indian tribes, as the case may be, where there is such a rate or has been such an increase.

“(2) RECIPIENTS.—Any grants under paragraph (1) shall be directed to the substance abuse directors of the States, and of the appropriate tribal government authorities of the Indian tribes, selected by the Director to receive such grants.

“(3) NATURE OF ACTIVITIES.—Any activities under a grant under paragraph (1) shall be based on reliable scientific evidence of their efficacy in the treatment of methamphetamine or amphetamine abuse or addiction.

“(b) GEOGRAPHIC DISTRIBUTION.—The Director shall ensure that grants under subsection (a) are distributed equitably among the various regions of the country and among rural, urban, and suburban areas that are affected by methamphetamine or amphetamine abuse or addiction.

“(c) ADDITIONAL ACTIVITIES.—The Director shall—

“(1) evaluate the activities supported by grants under subsection (a);

“(2) disseminate widely such significant information derived from the evaluation as the Director considers appropriate to assist States, Indian tribes, and private providers of treatment services for methamphetamine or amphetamine abuser or addiction in the treatment of methamphetamine or amphetamine abuse or addiction; and

“(3) provide States, Indian tribes, and such providers with technical assistance in connection with the provision of such treatment.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 and 2002.

“(2) USE OF CERTAIN FUNDS.—Of the funds appropriated to carry out this section in any fiscal year, the lesser of 5 percent of such funds or \$1,000,000 shall be available to the Director for purposes of carrying out subsection (c).”.

SEC. 33. EXPANSION OF METHAMPHETAMINE ABUSE PREVENTION EFFORTS.

(a) EXPANSION OF EFFORTS.—Section 515 of the Public Health Service Act (42 U.S.C. 290bb-21) is amended by adding at the end the following:

“(e)(1) The Administrator may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

“(A) to carry out school-based programs concerning the dangers of abuse of and addiction to methamphetamine and other illicit drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

“(B) to carry out community-based abuse and addiction prevention programs relating to methamphetamine and other illicit drugs that are effective and science-based.

“(2) Amounts made available under a grant, contract or cooperative agreement under paragraph (1) shall be used for planning, establishing, or administering prevention programs relating to methamphetamine and other illicit drugs in accordance with paragraph (3).

“(3)(A) Amounts provided under this subsection may be used—

“(i) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine abuse and addiction and targeted at populations which are most at risk to start abuse of methamphetamine and other illicit drugs;

“(ii) to carry out community-based prevention programs that are focused on those pop-

ulations within the community that are most at-risk for abuse of and addiction to methamphetamine and other illicit drugs;

“(iii) to assist local government entities to conduct appropriate prevention activities relating to methamphetamine and other illicit drugs;

“(iv) to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of abuse of and addiction to methamphetamine and other illicit drugs, and the options for treatment and prevention;

“(v) for planning, administration, and educational activities related to the prevention of abuse of and addiction to methamphetamine and other illicit drugs;

“(vi) for the monitoring and evaluation of prevention activities relating to methamphetamine and other illicit drugs, and reporting and disseminating resulting information to the public; and

“(vii) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

“(B) The Administrator shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

“(4)(A) Not less than \$500,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to methamphetamine and other illicit drugs and the development of appropriate strategies for disseminating information about and implementing these programs.

“(B) The Administrator shall submit to the committees of Congress referred to in subparagraph (C) an annual report with the results of the analyses and evaluation under subparagraph (A).

“(C) The committees of Congress referred to in this subparagraph are the following:

“(i) The Committees on Health, Education, Labor, and Pensions, the Judiciary, and Appropriations of the Senate.

“(ii) The Committees on Commerce, the Judiciary, and Appropriations of the House of Representatives.”.

(b) AUTHORIZATION OF APPROPRIATIONS FOR EXPANSION OF ABUSE PREVENTION EFFORTS AND PRACTITIONER REGISTRATION REQUIREMENTS.—There is authorized to be appropriated to carry out section 515(e) of the Public Health Service Act (as added by subsection (a)) and section 303(g)(2) of the Controlled Substances Act (as added by section 18(a) of this Act), \$15,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.

SEC. 34. STUDY OF METHAMPHETAMINE TREATMENT.

(a) STUDY.—

(1) REQUIREMENT.—The Secretary of Health and Human Services shall, in consultation with the Institute of Medicine of the National Academy of Sciences, conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

(2) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated for the Department of Health and

Human Services for fiscal year 2000 such sums as may be necessary to meet the requirements of subsection (a).

CHAPTER 4—REPORTS

SEC. 41. REPORTS ON CONSUMPTION OF METHAMPHETAMINE AND OTHER ILLICIT DRUGS IN RURAL AREAS, METROPOLITAN AREAS, AND CONSOLIDATED METROPOLITAN AREAS.

The Secretary of Health and Human Services shall include in each National Household Survey on Drug Abuse appropriate prevalence data and information on the consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

SEC. 42. REPORT ON DIVERSION OF ORDINARY OVER-THE-COUNTER PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE PRODUCTS.

(a) STUDY.—The Attorney General shall conduct a study of the use of ordinary over-the-counter pseudoephedrine and phenylpropanolamine products in the clandestine production of illicit drugs. Sources of data for the study shall include the following:

(1) Information from Federal, State, and local clandestine laboratory seizures and related investigations identifying the source, type, or brand of drug products being utilized and how they were obtained for the illicit production of methamphetamine and amphetamine.

(2) Information submitted voluntarily from the pharmaceutical and retail industries involved in the manufacture, distribution, and sale of drug products containing ephedrine, pseudoephedrine, and phenylpropanolamine, including information on changes in the pattern, volume, or both, of sales of ordinary over-the-counter pseudoephedrine and phenylpropanolamine products.

(b) REPORT.—

(1) REQUIREMENT.—Not later than April 1, 2001, the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report shall include—

(A) the findings of the Attorney General as a result of the study; and

(B) such recommendations on the need to establish additional measures to prevent diversion of ordinary over-the-counter pseudoephedrine and phenylpropanolamine (such as a threshold on ordinary over-the-counter pseudoephedrine and phenylpropanolamine products) as the Attorney General considers appropriate.

(3) MATTERS CONSIDERED.—In preparing the report, the Attorney General shall consider the comments and recommendations of State and local law enforcement and regulatory officials and of representatives of the industry described in subsection (a)(2).

Subtitle B—Controlled Substances Generally

CHAPTER 1—CRIMINAL MATTERS

SEC. 51. ENHANCED PUNISHMENT FOR TRAFFICKING IN LIST I CHEMICALS.

(a) AMENDMENTS TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any violation of paragraph (1) or (2) of section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) involving a list I chemical and any violation of paragraph (1) or (3) of section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) involving a list I chemical.

(b) EPHEDRINE, PHENYLPROPANOLAMINE, AND PSEUDOEPHEDRINE.—

(1) IN GENERAL.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving ephedrine, phenyl-

ylpropanolamine, or pseudoephedrine (including their salts, optical isomers, and salts of optical isomers), review and amend its guidelines to provide for increased penalties such that those penalties corresponded to the quantity of controlled substance that could reasonably have been manufactured using the quantity of ephedrine, phenylpropanolamine, or pseudoephedrine possessed or distributed.

(2) CONVERSION RATIOS.—For the purposes of the amendments made by this subsection, the quantity of controlled substance that could reasonably have been manufactured shall be determined by using a table of manufacturing conversion ratios for ephedrine, phenylpropanolamine, and pseudoephedrine, which table shall be established by the Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission considers appropriate.

(c) OTHER LIST I CHEMICALS.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving any list I chemical other than ephedrine, phenylpropanolamine, or pseudoephedrine, review and amend its guidelines to provide for increased penalties such that those penalties reflect the dangerous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine and amphetamine, including—

(1) the rapidly growing incidence of controlled substance manufacturing;

(2) the extreme danger inherent in manufacturing controlled substances;

(3) the threat to public safety posed by manufacturing controlled substances; and

(4) the recent increase in the importation, possession, and distribution of list I chemicals for the purpose of manufacturing controlled substances.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182), as though the authority under that Act had not expired.

SEC. 52. MAIL ORDER REQUIREMENTS.

Section 310(b)(3) of the Controlled Substances Act (21 U.S.C. 830(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

“(A) As used in this paragraph:

“(i) The term ‘drug product’ means an active ingredient in dosage form that has been approved or otherwise may be lawfully marketed under the Food, Drug, and Cosmetic Act for distribution in the United States.

“(ii) The term ‘valid prescription’ means a prescription which is issued for a legitimate medical purpose by an individual practitioner licensed by law to administer and prescribe the drugs concerned and acting in the usual course of the practitioner’s professional practice.”;

(3) in subparagraph (B), as so redesignated, by inserting “or who engages in an export transaction” after “nonregulated person”; and

(4) adding at the end the following:

“(D) Except as provided in subparagraph (E), the following distributions to a nonregulated person, and the following export transactions, shall not be subject to the reporting requirement in subparagraph (B):

“(i) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units in liquid form, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

“(ii) Distributions of drug products by retail distributors that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 102(4).

“(iii) Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or distributions of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

“(iv) Distributions of drug products pursuant to a valid prescription.

“(v) Exports which have been reported to the Attorney General pursuant to section 1004 or 1018 or which are subject to a waiver granted under section 1018(e)(2).

“(vi) Any quantity, method, or type of distribution or any quantity, method, or type of distribution of a specific listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

“(B) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(c)(1), and shall have the right to an expedited hearing as provided in section 1018(c)(2).”.

SEC. 53. ADVERTISEMENTS FOR DRUG PARAPHERNALIA AND SCHEDULE I CONTROLLED SUBSTANCES.

(a) DRUG PARAPHERNALIA.—Subsection (a)(1) of section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended by inserting “, directly or indirectly advertise for sale,” after “sell”.

(b) DIRECTLY OR INDIRECTLY ADVERTISE FOR SALE DEFINED.—Such section 422 is further amended by adding at the end the following new subsection:

“(g) In this section, the term ‘directly or indirectly advertise for sale’ means the use of any communication facility (as that term is defined in section 403(b)) to post, publicize, transmit, publish, link to, broadcast, or otherwise advertise any matter (including a telephone number or electronic or mail address) with the intent to facilitate or promote a transaction in.”.

(c) SCHEDULE I CONTROLLED SUBSTANCES.—Section 403(c) of such Act (21 U.S.C. 843(c)) is amended—

(1) by inserting “(1)” after “(c)”; and

(2) in paragraph (1), as so designated—

(A) in the first sentence, by inserting before the period the following: “, or to directly or indirectly advertise for sale (as that term is defined in section 422(g)) any Schedule I controlled substance”; and

(B) in the second sentence, by striking “term ‘advertisement’” and inserting “term ‘written advertisement’”.

SEC. 54. THEFT AND TRANSPORTATION OF ANHYDROUS AMMONIA FOR PURPOSES OF ILLICIT PRODUCTION OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

“ANHYDROUS AMMONIA

“SEC. 423 (a) It is unlawful for any person—
“(1) to steal anhydrous ammonia, or
“(2) to transport stolen anhydrous ammonia across State lines,

knowing, intending, or having reasonable cause to believe that such anhydrous ammonia will be used to manufacture a controlled substance in violation of this part.

“(b) Any person who violates subsection (a) shall be imprisoned or fined, or both, in accordance with section 403(d) as if such violation were a violation of a provision of section 403.”

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 421 the following new items:

“Sec. 422. Drug paraphernalia.
“Sec. 423. Anhydrous ammonia.”

(c) ASSISTANCE FOR CERTAIN RESEARCH.—

(1) AGREEMENT.—The Administrator of the Drug Enforcement Administration shall seek to enter into an agreement with Iowa State University in order to permit the University to continue and expand its current research into the development of inert agents that, when added to anhydrous ammonia, eliminate the usefulness of anhydrous ammonia as an ingredient in the production of methamphetamine.

(2) REIMBURSABLE PROVISION OF FUNDS.—The agreement under paragraph (1) may provide for the provision to Iowa State University, on a reimbursable basis, of \$500,000 for purposes the activities specified in that paragraph.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Drug Enforcement Administration for fiscal year 2000, \$500,000 for purposes of carrying out the agreement under this subsection.

SEC. 55. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO THE MANUFACTURE OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 21 the following new chapter:

CHAPTER 22—CONTROLLED SUBSTANCES

“Sec.

“421. Distribution of information relating to manufacture of controlled substances.

“§ 421. Distribution of information relating to manufacture of controlled substances

“(a) PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO MANUFACTURE OF CONTROLLED SUBSTANCES.—

“(1) CONTROLLED SUBSTANCE DEFINED.—In this subsection, the term ‘controlled substance’ has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

“(2) PROHIBITION.—It shall be unlawful for any person—

“(A) to teach or demonstrate the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime; or

“(B) to teach or demonstrate to any person the manufacture of a controlled substance,

or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture of a controlled substance, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 21 the following new item:

“22. Controlled Substances 421”

CHAPTER 2—OTHER MATTERS

SEC. 61. WAIVER AUTHORITY FOR PHYSICIANS WHO DISPENSE OR PRESCRIBE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT.

(a) REQUIREMENTS.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking “(A) security” and inserting “(i) security”, and by striking “(B) the maintenance” and inserting “(ii) the maintenance”;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting “(1)” after “(g)”;

(4) by striking “Practitioners who dispense” and inserting “Except as provided in paragraph (2), practitioners who dispense and prescribe”; and

(5) by adding at the end the following:

“(2)(A) Subject to subparagraphs (D), the requirements of paragraph (1) are waived in the case of the dispensing or prescribing, by a physician, of narcotic drugs in schedule III, IV, or V, or combinations of such drugs, if the physician meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

“(B)(i) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a physician are that, before dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment, the physician submit to the Secretary and the Attorney General a notification of the intent of the physician to begin dispensing or prescribing the drugs or combinations for such purpose, and that the notification to the Secretary also contain the following certifications by the physician:

“(I) The physician—

“(aa) is a physician licensed under State law; and

“(bb) has training or experience and the ability to treat and manage opiate-dependent patients.

“(II) With respect to patients to whom the physician will provide such drugs or combinations of drugs, the physician has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

“(III) In any case in which the physician is not in a group practice, the total number of such patients of the physician at any one time will not exceed the applicable number. For purposes of this subclause, the applicable number is 20, except that the Secretary may by regulation change such total number.

“(IV) In any case in which the physician is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this subclause, the applica-

ble number is 20, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of physicians in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

“(ii)(I) The Secretary may, in consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Center for Substance Abuse Treatment, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, issue regulations through notice and comment rulemaking or practice guidelines to implement this paragraph. The regulations or practice guidelines shall address the following:

“(aa) Approval of additional credentialing bodies and the responsibilities of credentialing bodies.

“(bb) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

“(II) Nothing in the regulations or practice guidelines under this clause may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

“(III)(aa) The Secretary shall issue a Treatment Improvement Protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Director of the Center for Substance Abuse Treatment, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration, and other substance abuse disorder professionals. The protocol shall be guided by science.

“(bb) The protocol shall be issued not later than 120 days after the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999.

“(IV) For purposes of the regulations or practice guidelines under subclause (I), a physician shall have training or experience under clause (i)(I)(bb) if the physician meets one or more of the following conditions:

“(aa) The physician is certified in addiction treatment by the American Society of Addiction Medicine, the American Board of Medical Specialties, the American Osteopathic Academy of Addiction Medicine, or any other certified body accredited by the Secretary.

“(bb) The physician has been a clinical investigator in a clinical trial conducted for purposes of securing approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) of a narcotic drug in schedule III, IV, or V for the treatment of addiction, if such approval was granted.

“(cc) The physician has completed training (through classroom situations, seminars, professional society meetings, electronic communications, or otherwise) provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Osteopathic Academy of Addiction Medicine, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines appropriate for purposes of this item. The curricula may include

training in patient need for counseling regarding HIV, Hepatitis C, and other infectious diseases, substance abuse counseling, random drug testing, medical evaluation, annual assessment, prenatal care, diagnosis of addiction, rehabilitation services, confidentiality, and other appropriate topics.

“(dd) The physician has training or experience in the treatment and management of opiate-dependent, which training or experience shall meet such criteria as the Secretary may prescribe. Any such criteria shall be effective for a period of three years after the effective date of such criteria, but the Secretary may extend the effective period of such criteria by additional periods of three years for each extension if the Secretary determines that such extension is appropriate for purposes of this item. Any such extension shall go into effect only if the Secretary publishes a notice of such extension in the Federal Register during the 30-day period ending on the date of the end of the three-year effective period of such criteria to which such extension will apply.

“(ee) The physician is certified in addiction treatment by a State medical licensing board, or an entity accredited by such board, unless the Secretary determines (after an opportunity for a hearing) that the training provided by such board or entity was inadequate for the treatment and management of opiate-dependent patients.

“(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V, or combinations of such drugs, are as follows:

“(i) The drugs or combinations of drugs have, under the Federal Food, Drug and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

“(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that experience since the approval of the drug or combinations of drugs has shown that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of physicians to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

“(D)(i) A waiver under subparagraph (A) with respect to a physician is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

“(I) The notification under subparagraph (B) is in writing and states the name of the physician.

“(II) The notification identifies the registration issued for the physician pursuant to subsection (f).

“(III) If the physician is a member of a group practice, the notification states the names of the other physicians in the practice and identifies the registrations issued for the other physicians pursuant to subsection (f).

“(IV) A period of 45 days has elapsed after the date on which the notification was submitted, and during such period the physician does not receive from the Secretary a written notice that one or more of the conditions specified in subparagraph (B), subparagraph (C), or this subparagraph, have not been met.

“(ii) The Secretary shall provide to the Attorney General such information contained in notifications under subparagraph (B) as the Attorney General may request.

“(E) If in violation of subparagraph (A) a physician dispenses or prescribes narcotic

drugs in schedule III, IV, or V, or combinations of such drugs, for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the physician to have committed an act that renders the registration of the physician pursuant to subsection (f) to be inconsistent with the public interest.

“(F)(i) Upon determining that a physician meets the conditions specified in subparagraph (B), the Secretary shall notify the physician and the Attorney General.

“(ii) Upon receiving notice with respect to a physician under clause (i), the Attorney General shall assign the physician an identification number under this paragraph for inclusion with the physician's current registration to prescribe narcotics. An identification number assigned a physician under this clause shall be appropriate to preserve the confidentiality of a patient prescribed narcotic drugs covered by this paragraph by the physician.

“(iii) If the Secretary fails to make a determination described in clause (i) by the end of the 45-day period beginning on the date of the receipt by the Secretary of a notification from a physician under subparagraph (B), the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

“(G) In this paragraph:

“(i) The term ‘group practice’ has the meaning given such term in section 1877(h)(4) of the Social Security Act.

“(ii) The term ‘physician’ has the meaning given such term in section 1861(r) of the Social Security Act.

“(H)(i) This paragraph takes effect on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

“(ii) For the purposes relating to clause (iii), the Secretary and the Attorney General shall, during the 3-year period beginning on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, make determinations in accordance with the following:

“(I)(aa) The Secretary shall—

“(aaa) make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings;

“(bbb) make a determination regarding whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and

“(ccc) make a determination regarding whether such waivers have adverse consequences for the public health.

“(bb) In making determinations under this subclause, the Secretary—

“(aaa) may collect data from the practitioners for whom waivers under subparagraph (A) are in effect;

“(bbb) shall issue appropriate guidelines or regulations (in accordance with procedures for substantive rules under section 553 of title 5, United States Code) specifying the scope of the data that will be required to be provided under this subclause and the means through which the data will be collected; and

“(ccc) shall, with respect to collecting such data, comply with applicable provisions of chapter 6 of title 5, United States Code (relating to a regulatory flexibility analysis), and of chapter 8 of such title (relating to congressional review of agency rulemaking).

“(II) The Attorney General shall—

“(aa) make a determination of the extent to which there have been violations of the

numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; and

“(bb) make a determination regarding whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V, or combinations of such drugs, are being dispensed or prescribed, or possessed, in violation of this Act.

“(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall, in making any such decision, consult with the Attorney General, and shall, in publishing the decision in the Federal Register, include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall, in making any such decision, consult with the Secretary, and shall, in publishing the decision in the Federal Register, include any comments received from the Secretary for inclusion in the publication.

“(I) During the 3-year period beginning on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, a State may not preclude a practitioner from dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph, or the other amendments made by section 22 of that Act, unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing or prescribing such drugs or combination of drugs.”

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter following paragraph (5), by striking “section 303(g)” each place the term appears and inserting “section 303(g)(1)”; and

(2) in subsection (d), by striking “section 303(g)” and inserting “section 303(g)(1)”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for purposes of activities under section 303(g)(2) of the Controlled Substances Act, as added by subsection (a), amounts as follows:

(1) For fiscal year 2000, \$3,000,000.

(2) For each fiscal year after fiscal year 2000, such sums as may be necessary for such fiscal year.

Subtitle C—Cocaine Powder

SEC. 71. SHORT TITLE.

This subtitle may be cited as the “Powder Cocaine Sentencing Act of 1999”.

SEC. 72. SENTENCING FOR VIOLATIONS INVOLVING COCAINE POWDER.

(a) AMENDMENT OF CONTROLLED SUBSTANCES ACT.—

(1) LARGE QUANTITIES.—Section 401(b)(1)(A)(ii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)(ii)) is amended by striking “5 kilograms” and inserting “500 grams”.

(2) SMALL QUANTITIES.—Section 401(b)(1)(B)(ii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)(ii)) is amended by striking “500 grams” and inserting “50 grams”.

(b) AMENDMENT OF CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—

(1) LARGE QUANTITIES.—Section 1010(b)(1)(B) of the Controlled Substances

Import and Export Act (21 U.S.C. 960(b)(1)(B)) is amended by striking “5 kilograms” and inserting “500 grams”.

(2) **SMALL QUANTITIES.**—Section 1010(b)(2)(B) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(2)(B)) is amended by striking “500 grams” and inserting “50 grams”.

(c) **AMENDMENT OF SENTENCING GUIDELINES.**—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by this section.

Subtitle D—Miscellaneous

SEC. 81. NOTICE; CLARIFICATION.

(a) **NOTICE OF ISSUANCE.**—Section 3103a of title 18, United States Code, is amended by adding at the end the following new sentence: “With respect to any issuance under this section or any other provision of law (including section 3117 and any rule), any notice required, or that may be required, to be given may be delayed pursuant to the standards, terms, and conditions set forth in section 2705, unless otherwise expressly provided by statute.”.

(b) **CLARIFICATION.**—(1) Section 2(e) of Public Law 95-78 (91 Stat. 320) is amended by adding at the end the following: “Subdivision (d) of such rule, as in effect on this date, is amended by inserting ‘tangible’ before ‘property’ each place it occurs.”.

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 82. DOMESTIC TERRORISM ASSESSMENT AND RECOVERY.

(a) **IN GENERAL.**—The Federal Bureau of Investigation shall prepare a study assessing—

(1) the threat posed by the Fuerzas Armadas de Liberacion Nacional PuertoRriqueña (FALN) and Los Macheteros terrorist organizations to the United States and its territories as of July 31, 1999; and

(2) what effect the President’s offer of clemency to 16 FALN and Los Macheteros members on August 11, 1999, and the subsequent release of 11 of those members, will have on the threat posed by those terrorist organizations to the United States and its territories.

(b) **ISSUES EXAMINED.**—In conducting and preparing the study under subsection (a), the Federal Bureau of Investigation shall address—

(1) the threat posed by the FALN and Los Macheteros organizations to law enforcement officers, prosecutors, defense attorneys, witnesses, and judges involved in the prosecution of members of the FALN and Los Macheteros, both in the United States and its territories;

(2) the roles played by each the 16 members offered clemency by the President on August 11, 1999, in the FALN and Los Macheteros organizations;

(3) the extent to which the FALN and Los Macheteros organizations are associated with other known terrorist organizations or countries suspected of sponsoring terrorism;

(4) the threat posed to the national security interests of the United States by the FALN and Los Macheteros organizations;

(5) whether the offer of clemency to, or release of, any of the 16 FALN or Los Macheteros members would violate, or be inconsistent with, the United States’ obligations under international treaties and agreements governing terrorist activity; and

(6) the effect on law enforcement’s ability to solve open cases and apprehend fugitives resulting from the offer of clemency to the 16 FALN and Los Macheteros members, without first requiring each of them to provide the government all truthful information and evidence he or she has concerning open in-

vestigations and fugitives associated with the FALN and Los Macheteros organizations.

(c) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Federal Bureau of Investigation shall submit to Congress a report on the study conducted under subsection (a).

SEC. 83. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of the enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, in consultation with the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, or establishment which messages shall, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

SEC. 84. SEVERABILITY.

Any provision of this title held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed as to give the maximum effect permitted by law, unless such provision is held to be utterly invalid or unenforceable, in which event such provision shall be severed from this title and shall not affect the applicability of the remainder of this title, or of such provision, to other persons not similarly situated or to other, dissimilar circumstances.

LEAHY (AND OTHERS) AMENDMENT NO. 2528

Mr. LEAHY (for himself, Mrs. MURRAY, and Mrs. FEINSTEIN) proposed an amendment to the bill, S. 625, *supra*; as follows:

On page 7, line 22, insert after the period the following:

“In addition, the debtor’s monthly expenses shall include the debtor’s reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as identified under section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408), or other applicable Federal law. The expenses included in the debtor’s monthly expenses described in the preceding sentence shall be kept confidential by the court.”

LEAHY AMENDMENT NO. 2529

Mr. LEAHY proposed an amendment to the bill, S. 625, *supra*; as follows:

On page 115, line 23, strike all through page 117, line 20, and insert the following:

“(iv) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days before the filing of the petition;

“(v) a statement of the amount of projected monthly net income, itemized to show how the amount is calculated; and

“(vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing”; and

(2) by adding at the end the following:

“(d)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who request those documents.

“(2)(A) At any time, a creditor in a case under chapter 13 may file with the court notice that the creditor requests the plan filed by the debtor in the case.

“(B) The court shall make such plan available to the creditor who request such plan—

“(i) at a reasonable cost; and

“(ii) not later than 5 days after such request.

“(e) An individual debtor in a case under chapter 7 or 13 shall file with the court at the request of any party in interest—

“(1) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

“(2) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order of relief;

“(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and”

BYRD AMENDMENT NO. 2530

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 625, *supra*; as follows:

At the appropriate place, insert the following:

SEC. 85. PROVISION OF ELECTRONIC FTC PAMPHLET WITH ELECTRONIC CREDIT CARD APPLICATIONS AND SOLICITATIONS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5) INCLUSION OF FEDERAL TRADE COMMISSION PAMPHLET.—

“(A) **IN GENERAL.**—Any application to open a credit card account for any person under an open end consumer credit plan, or a solicitation to open such an account without requiring an application, that is electronically transmitted to or accessed by a consumer shall be accompanied by an electronic version (or an electronic link thereto) of the pamphlet published by the Federal Trade Commission relating to choosing and using credit cards.

“(B) **COSTS.**—The card issuer with respect to an account described in subparagraph (A) shall be responsible for all costs associated with compliance with that subparagraph.”

DODD AMENDMENT NO. 2531

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 625, *supra*; as follows:

On page 83, between lines 4 and 5, insert the following:

SEC. 2. PROTECTION OF EDUCATION SAVINGS.

(a) **EXCLUSIONS.**—Section 541 of title 11, United States Code, as amended by section 903, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking “or” at the end;

(B) by redesignating paragraph (6) as paragraph (8); and

(C) by inserting after paragraph (5) the following:

“(6) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of filing of the petition, but—

“(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

“(B) only to the extent that such funds—

“(i) are not pledged or promised to any entity in connection with any extension of credit; and

“(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

“(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed \$5,000;

“(7) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

“(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

“(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

“(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed \$5,000; or”; and

(2) by adding at the end the following:

“(f) In determining whether any of the relationships specified in paragraph (6)(A) or (7)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual’s household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child’s principal place of abode the home of the debtor and is a member of the debtor’s household) shall be treated as a child of such individual by blood.”.

(b) DEBTOR’S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 105(d), 304(c)(1), 305(2), 315(b), and 316 of this Act, is amended by adding at the end the following:

“(k) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).”.

**DODD (AND OTHERS) AMENDMENT
NO. 2532**

(Ordered to lie on the table.)

Mr. DODD (for himself, Ms. LANDRIEU, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 625, *supra*; as follows:

On page 7, line 15, strike “(ii)” and insert “(ii)(I)”.

On page 7, between lines 21 and 22, insert the following:

“(II) The expenses referred to in subclause (I) shall include—

“(aa) taxes and mandatory withholdings from wages;

“(bb) health care;

“(cc) alimony, child, and spousal support payments;

“(dd) legal fees necessary for the debtor’s case;

“(ee) child care and the care of elderly or disabled family members;

“(ff) reasonable insurance expenses and pension payments;

“(gg) religious and charitable contributions;

“(hh) educational expenses not to exceed \$10,000 per household;

“(ii) union dues;

“(jj) other expenses necessary for the operation of a business of the debtor or for the debtor’s employment;

“(kk) utility expenses and home maintenance expenses for a debtor that owns a home;

“(ll) ownership costs for a motor vehicle, determined in accordance with Internal Revenue Service transportation standards, reduced by any payments on debts secured by the motor vehicle or vehicle lease payments made by the debtor;

“(mm) expenses for children’s toys and recreation for children of the debtor;

“(nn) tax credits for earned income determined under section 32 of the Internal Revenue Code of 1986; and

“(oo) miscellaneous and emergency expenses.

On page 83, between lines 4 and 5, insert the following:

SEC. 225. TREATMENT OF TAX REFUNDS AND DOMESTIC SUPPORT OBLIGATIONS.

(a) PROPERTY OF THE ESTATE.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (a)(5)(B) by inserting “except as provided under subsection (b)(7),” before “as a result”; and

(2) in subsection (b)—

(A) in paragraph (4), by striking “or” at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by inserting after paragraph (5) the following:

“(6) any—

“(A) refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed under section 32 of such Code for such year; and

“(B) advance payment of an earned income tax credit under section 3507 of the Internal Revenue Code of 1986; or

“(7) the right of the debtor to receive alimony, support, or separate maintenance for the debtor or dependent of the debtor.”.

(b) PROTECTION OF EARNED INCOME TAX CREDIT AND SUPPORT PAYMENTS UNDER BANKRUPTCY REPAYMENT PLANS IN CHAPTER 12.—Section 1225(b)(2) of title 11, United States Code, as amended by section 218 of this Act, is amended—

(1) by inserting “(A)” before “For purposes”;

(2) by striking “(A) for the maintenance” and inserting “(i) for the maintenance”;

(3) by striking “(B) if the debtor” and inserting “(ii) if the debtor”; and

(4) by adding at the end the following:

“(B) In determining disposable income the court shall not consider amounts the debtor receives or is entitled to receive from—

“(i) any refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed by section 32 of the Internal Revenue Code of 1986 for such year;

“(ii) any advance payment for an earned income tax credit described in clause (i); or

“(iii) child support, foster care, or disability payment for the care of a dependent child in accordance with applicable nonbankruptcy law.”.

(c) PROTECTION OF EARNED INCOME TAX CREDIT AND SUPPORT PAYMENTS UNDER BANKRUPTCY REPAYMENT PLANS IN CHAPTER 13.—Section 1325(b)(2) of title 11, United States Code, as amended by section 218 of this Act, is amended—

(1) by inserting “(A)” before “For purposes”;

(2) by striking “(A) for the maintenance” and inserting “(i) for the maintenance”;

(3) by striking “(B) if the debtor” and inserting “(ii) if the debtor”; and

(4) by adding at the end the following:

“(B) In determining disposable income the court shall not consider amounts the debtor receives or is entitled to receive from—

“(i) any refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed by section 32 of the Internal Revenue Code of 1986 for such year;

“(ii) any advance payment for an earned income tax credit described in clause (i); or

“(iii) child support, foster care, or disability payment for the care of a dependent child in accordance with applicable nonbankruptcy law.”.

(d) EXEMPTIONS.—Section 522(d) of title 11, United States Code, as amended by section 224 of this Act, is amended in paragraph (10)—

(1) in subparagraph (C), by adding “or” after the semicolon;

(2) by striking subparagraph (D); and

(3) by striking “(E)” and inserting “(D)”.

On page 92, line 5, strike “personal property” and insert “an item of personal property purchased for more than \$3,000”.

On page 93, line 19, strike “property” and insert “an item of personal property purchased for more than \$3,000”.

On page 97, line 10, strike “if” and insert “to the extent that”.

On page 97, line 10, after “incurred” insert “to purchase that thing of value”.

On page 98, line 1, strike “(27A)” and insert “(27B)”.

On page 107, line 9, strike “and aggregating more than \$250” and insert “for \$400 or more per item or service”.

On page 107, line 11, strike “90” and insert “70”.

On page 107, line 13, after “dischargeable” insert the following: “if the creditor proves by a preponderance of the evidence at a hearing that the goods or services were not reasonably necessary for the maintenance or support of the debtor”.

On page 107, line 15, strike “\$750” and insert “\$1,075”.

On page 107, line 17, strike “70” and insert “60”.

Beginning on page 109, strike line 21 and all that follows through page 111, line 15, and insert the following:

SEC. 314. HOUSEHOLD GOOD DEFINED.

Section 101 of title 11, United States Code, as amended by section 106(c) of this Act, is amended by inserting before paragraph (27B) the following:

“(27A) ‘household goods’—

“(A) includes tangible personal property normally found in or around a residence; and

“(B) does not include motor vehicles used for transportation purposes.”.

On page 112, line 6, strike “(except that,” and all that follows through “debts)” on line 13.

On page 113, between lines 3 and 4, insert the following:

(c) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, is amended—

(1) in subsection (c), by inserting “(14A),” after “(6),” each place it appears; and

(2) in subsection (d), by striking “(a)(2)” and inserting “(a) (2) or (14A).”

On page 263, line 8, insert “as amended by section 322 of this Act,” after “United States Code.”.

On page 263, line 11, strike “(4)” and insert “(5).”.

On page 263, line 12, strike “(5)” and insert “(6).”.

On page 263, line 13, strike “(6)” and insert “(7).”.

On page 263, line 14, strike “(4)” and insert “(5).”.

On page 263, line 16, strike “(5)” and insert “(6).”.

HATCH AMENDMENTS NOS. 2533–2535

(Ordered to lie on the table.)

Mr. HATCH submitted three amendments intended to be proposed by him to the bill, S. 625, *supra*; as follows:

AMENDMENT NO. 2533

On page 21, line 25, strike the ending quotation marks and the second period.

On page 22, before line 1, insert the following:

“(b) No attorney or agency that represents a debtor under this title may provide credit counseling services to that debtor.”.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall conduct a study and submit a report to Congress that—

(A) evaluates the implementation of section 111(b) of title 11, United States Code, as amended by this subsection; and

(B) includes any recommendations for Congress.

On page 22, line 1, strike “(2)” and insert “(3).”.

AMENDMENT NO. 2534

On page 20, between lines 2 and 3, insert the following:

(c) FRESH START CREDIT COUNSELING.—Section 727 of title 11, United States Code, as amended by subsection (b) of this section, is amended by adding at the end the following:

“(f)(1) In addition to meeting the requirements under subsection (a), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

“(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 13 until after the date that is 10 years after the date of the discharge referred to in that paragraph.”.

On page 20, line 3, strike “(c)” and insert “(d).”.

On page 20, line 22, strike the ending quotation marks and the following period.

On page 20, between lines 22 and 23, insert the following:

“(j)(1) In addition to meeting the requirements under subsection (g), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

“(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 7 until after the date that is 10 years after the date of the discharge referred to in that paragraph.”.

On page 20, line 23, strike “(d)” and insert “(e).”.

On page 21, line 12, strike “(e)” and insert “(f).”.

On page 22, line 4, strike “(f)” and insert “(g).”.

AMENDMENT NO. 2535

On page 21, line 25, strike the ending quotation marks and the following period.

On page 21, after line 25, add the following:

“(b)(1) In this subsection, the term ‘credit counseling service’—

“(A) means—

“(i) a nonprofit credit counseling service approved under subsection (a); and

“(ii) any other consumer education program carried out by—

“(I) a trustee appointed under chapter 13; or

“(II) any other public or private entity or individual; and

“(B) does not include any counseling service provided by the attorney of the debtor or an agent of the debtor.

“(2)(A) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

“(B) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

“(i) any actual damages sustained by the debtor as a result of the violation; and

“(ii) any court costs or reasonable attorneys’ fees (as determined by the court) incurred in an action to recover those damages.”.

HATCH (AND OTHERS)

AMENDMENT NO. 2536

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. DODD, and Mr. GREGG) submitted an amendment intended to be proposed by them to the bill, S. 625, *supra*; as follows:

On page 83, between lines 4 and 5, insert the following:

SEC. 2. PROTECTION OF EDUCATION SAVINGS.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, as amended by section 903, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking “or” at the end;

(B) by redesignating paragraph (6) as paragraph (8); and

(C) by inserting after paragraph (5) the following:

“(6) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of

1986) not later than 365 days before the date of filing of the petition, but—

“(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

“(B) only to the extent that such funds—

“(i) are not pledged or promised to any entity in connection with any extension of credit; and

“(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

“(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed \$5,000;

“(7) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

“(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

“(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

“(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed \$5,000; or; and

(2) by adding at the end the following:

“(f) In determining whether any of the relationships specified in paragraph (6)(A) or (7)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual’s household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child’s principal place of abode the home of the debtor and is a member of the debtor’s household) shall be treated as a child of such individual by blood.”.

(b) DEBTOR’S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 105(d), 304(c)(1), 305(2), 315(b), and 316 of this Act, is amended by adding at the end the following:

“(k) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).”.

WELLSTONE AMENDMENTS NOS. 2537–2538

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed

by him to the bill, S. 625, *supra*; as follows:

AMENDMENT NO. 2537

At appropriate place, insert the following:

SEC. _____. DISALLOWANCE OF CLAIMS OF CERTAIN INSURED DEPOSITORY INSTITUTIONS.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) such claim is the claim of an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) that, as determined by the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act)—

“(A) has total aggregate assets of more than \$200,000,000;

“(B) offers retail depository services to the public; and

“(C) does not offer both checking and savings accounts that have—

“(i) low fees or no fees; and

“(ii) low or no minimum balance requirements.”

AMENDMENT NO. 2538

At appropriate place, insert the following:

SEC. _____. DISALLOWANCE OF CERTAIN CLAIMS; PROHIBITION OF COERCIVE DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end of the following:

“(10) such claim arises from a transaction—

“(A) that is—

“(i) a consumer credit transaction;

“(ii) a transaction, for a fee—

“(I) in which the deposit of a personal check is deferred; or

“(II) that consists of a credit and a right to a future debit to a personal deposit account; or

“(III) a transaction secured by a motor vehicle or the title to a motor vehicle; and

“(B) in which the annual percentage rate (as determined in accordance with section 107 of the Truth in Lending Act) exceeds 100 percent.”

(b) UNFAIR DEBT COLLECTION PRACTICES.—

(1) IN GENERAL.—Section 808 of the Fair Debt Collection Practices Act (15 U.S.C. 1692f) is amended—

(A) in the first sentence, by striking “A debt collector” and inserting the following:

“(a) IN GENERAL.—A debt collector”; and

(B) by adding at the end the following:

“(b) COERCIVE DEBT COLLECTION PRACTICES.—

“(1) IN GENERAL.—It shall be unlawful for any person (including a debt collector or a creditor) who, for a fee, defers deposit of a personal check or who makes a loan in exchange for a personal check or electronic access to a personal deposit account, to—

“(A) threaten to use or use the criminal justice process to collect on the personal check or on the loan;

“(B) threaten to use or use any process to seek a civil penalty if the personal check is returned for insufficient funds; or

“(C) threaten to use or use any civil process to collect on the personal check or the loan that is not generally available to creditors to collect on loans in default.

“(2) CIVIL LIABILITY.—Any person who violates this section shall be liable to the same extent and in the same manner as a debt col-

lector is liable under section 813 for failure to comply with a provision of this title.”.

(2) CONFORMING AMENDMENT.—Section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)) is amended by striking “808(6)” and inserting “808(a)(6)”.

LEAHY AMENDMENTS NOS. 2539-2540

(Ordered to lie on the table.)

Mr. LEAHY submitted two amendments intended to be proposed by him to the bill, S. 625, *supra*; as follows:

AMENDMENT NO. 2539

On page 124, insert between lines 14 and 15 the following:

SEC. 322. BANKRUPTCY APPEALS.

(a) APPEALS.—Section 158 of title 28, United States Code, is amended—

(1) in subsection (c)(1), by striking out “Subject to subsection (b),” and inserting in lieu thereof “Subject to subsections (b) and (d)(2),”; and

(2) in subsection (d)—

(A) by inserting “(1)” after “(d)”; and

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

“(2) A court of appeals that would have jurisdiction of a subsequent appeal under paragraph (1) or other applicable law may authorize an immediate appeal to that court, in lieu of further proceedings in a district court or before a bankruptcy appellate panel exercising appellate jurisdiction under subsection (a) or (b), if the district court or bankruptcy appellate panel hearing an appeal certifies that—

“(A) a substantial question of law or matter of public importance is presented in the appeal pending in the district court or before the bankruptcy appellate panel; and

“(B) the interests of justice require an immediate appeal to the court of appeals of the judgment, order, or decree that had been appealed to the district court or bankruptcy appellate panel.”.

(b) PROCEDURAL RULES.—

(1) IN GENERAL.—Until rules of practice and procedure are promulgated or amended under chapter 131 of title 28, United States Code, relating to appeals to a court of appeals exercising jurisdiction under section 158(d)(2) of title 28, United States Code, as added by this Act, the provisions of this subsection shall apply.

(2) CERTIFICATION.—A district court or bankruptcy appellate panel may enter a certification as described under section 158(d)(2) of title 28, United States Code, on its own or a party’s motion during an appeal to the district court or bankruptcy appellate panel under section 158 (a) or (b) of such title.

(3) APPEAL.—Subject to paragraphs (1), (2), and (4) through (8) of this subsection, an appeal under section 158(d)(2) of title 28, United States Code, shall be taken in the manner prescribed under rule 5 of the Federal Rules of Appellate Procedure.

(4) FILING BASED ON CERTIFICATION.—When an appeal is requested on the basis of a certification of a district court or bankruptcy appellate panel, the petition shall be filed within 10 days after the district court or bankruptcy appellate panel enters the certification.

(5) ATTACHMENT OF CERTIFICATION.—When an appeal is requested on the basis of a certification of a district court or bankruptcy appellate panel, a copy of the certification shall be attached to the petition.

(6) APPLICATION TO BANKRUPTCY APPELLATE PANELS.—When an appeal is requested in a case pending before a bankruptcy appellate panel, rule 5 of the Federal Rules of Appellate Procedure shall apply by using the

terms “bankruptcy appellate panel” and “clerk of the bankruptcy appellate panel” in lieu of the terms “district court” and “district clerk”, respectively.

(7) APPLICATION OF FEDERAL RULES.—When a court of appeals authorizes an appeal, the Federal Rules of Appellate Procedure apply to the proceedings in the court of appeals, to the extent relevant, as if the appeal were taken from a final judgment, order, or decree of a district court or bankruptcy appellate panel exercising appellate jurisdiction under section 158 (a) or (b) of title 28, United States Code.

AMENDMENT NO. 2540

On page 294, between lines 11 and 12, insert the following:

SEC. 11. TOBACCO MULTI-STATE ACCOUNTABILITY.

(a) PURPOSE.—The purpose of this section is to provide that tobacco companies and their parent corporations may not use Federal bankruptcy law to escape their liability for the debts arising from the settlement of certain litigation by State attorneys general to hold the tobacco industry accountable for its prior actions.

(b) CONFIRMATION OF PLAN DOES NOT PROVIDE FOR DISCHARGE OF CERTAIN DEBTS ARISING FROM TOBACCO-RELATED LITIGATION.—Section 1141(d) of title 11, United States Code, as amended by section 708 of this Act, is amended by adding at the end the following:

“(6)(A) The confirmation of a plan does not discharge a debtor that is a covered corporation from any debt arising under the applicable tobacco settlement.

“(B) In this paragraph:

“(i) The term ‘covered corporation’ means any manufacturer of a tobacco product (as determined under an applicable tobacco settlement) and its parent corporation, as of the date of the execution of the applicable tobacco settlement.

“(ii) The term ‘tobacco settlement’ means—

“(I) the Master Settlement Agreement and the Smokeless Tobacco Master Settlement Agreement executed by the applicable State Attorneys General on November 23, 1998, and any subsequent amendments thereto;

“(II) the separate settlement agreements executed by the Attorneys General of the States of Florida, Minnesota, Mississippi, and Texas in 1997 and 1998, concerning their litigation against the tobacco industry; and

“(III) the National Tobacco Growers Settlement Trust executed by the applicable State Attorneys General.

“(iii) The term ‘State’ means any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.”.

VETERANS’ MILLENNIUM HEALTH CARE ACT

SPECTER AMENDMENT NO. 2541

Mr. DOMENICI (for Mr. SPECTER) proposed an amendment to the bill (H.R. 2116) to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans Benefits Act of 1999”.