

SENATE RESOLUTION 49—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S. RES. 49

Resolved.

That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2001, through September 30, 2001, October 1, 2001, through September 30, 2002; and October 1, 2001, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed \$2,504,922.

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed \$4,443,495.

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed \$1,900,457.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE CONCURRENT RESOLUTION 21—TO EXPRESS THE SENSE OF CONGRESS REGARDING THE USE OF A LEGISLATIVE “TRIGGER” OR “SAFETY” MECHANISM TO LINK LONG-TERM FEDERAL BUDGET SURPLUS REDUCTIONS WITH ACTUAL BUDGETARY OUTCOMES

Ms. SNOWE (for herself, Mr. BAYH, Mr. CHAFEE, Ms. LANDRIEU, Ms. COL-

LINS, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Mr. SPECTER, Mr. CARPENTER, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs and the Committee on the Budget, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged:

S. CON. RES. 21

Whereas the Congressional Budget Office (CBO) has projected that the Federal unified budget surplus over the 10-year period from fiscal year 2002 to fiscal year 2011 will total \$5,610,000,000;

Whereas the projected Federal on-budget surplus over the same period of time is projected to be \$3,122,000,000,000, which includes a surplus for the medicare program in the Federal Hospital Insurance (HI) Trust Fund of \$392,000,000,000;

Whereas the projected surplus provides Congress with an opportunity to address a variety of pressing national needs, including Federal debt reduction, tax relief, and increased investment in the shared priorities of the American people, such as national defense, science, health, education, retirement security, and other areas;

Whereas although CBO projections properly serve as the basis for budgetary policies in Congress, actual economic and fiscal outcomes may differ substantially from projections;

Whereas for example, as CBO indicates in its January 2001 budget update, if the future record is like the past, there is about a 50 percent chance that errors in the assumptions about economic and technical factors will cause CBO's projection of the annual surplus 5 years ahead to miss the actual outcome by more than 1.8 percent of the Gross Domestic Product, with a resulting difference in the surplus estimate of \$245,000,000,000 in the fifth year alone;

Whereas where appropriate, long-term changes to tax and spending policy that are predicated on the existence of significant budget surpluses should be linked to actual fiscal performance, such as meeting specified debt reduction or on-budget surplus targets, to ensure the Federal Government does not incur on-budget deficits or increase the publicly-held debt;

Whereas during his testimony before the Senate Budget Committee on January 25, 2001, Federal Reserve Chairman Alan Greenspan stated, “In recognition of the uncertainties in the economic and budget outlook, it is important that any long-term tax plan, or spending initiative for that matter, be phased in. Conceivably, it could include provisions that, in some way, would limit surplus-reducing actions if specified targets for the budget surplus and Federal debt were not satisfied. Only if the probability was very low that prospective tax cuts or new outlay initiatives would send the on-budget accounts into deficit, would unconditional initiatives appear prudent”, and he reiterated this testimony before the Senate Banking Committee on February 13, 2001; and

Whereas in light of Chairman Greenspan's testimony and the uncertainty of surplus projections, while Members of Congress agree that the resources are available to address many pressing national needs in the 107th Congress, Congress should exercise great caution and not pass tax cuts or spending increases that are so large that they will necessitate future tax increases or significant spending cuts if anticipated budget surpluses fail to materialize; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) with respect to any long-term, Federal surplus-reducing actions adopted by the 107th Congress pursuant to the Congressional Budget Office's projected surpluses, such actions shall include a legislative “trigger” or “safety” mechanism that links the phase-in of such actions to actual budgetary outcomes over the next 10 fiscal years;

(2) this legislative “trigger” or “safety” mechanism shall outline specific legislative or automatic action that shall be taken should specified levels of Federal debt reduction or on-budget surpluses not be realized, in order to maintain fiscal discipline and continue the reduction of our national debt;

(3) the legislative “trigger” or “safety” mechanism shall be applied prospectively and not repeal or cancel any previously implemented portion of a surplus-reducing action;

(4) enactment of a legislative “trigger” or “safety” mechanism shall not prevent Congress from passing other legislation affecting the level of Federal revenues or spending should future economic performance dictate such action; and

(5) this legislative “trigger” or “safety” mechanism will ensure fiscal discipline because it restrains both Government spending and tax cuts, by requiring that the budget is balanced and that specified debt reduction targets are met.

SENATE CONCURRENT RESOLUTION 22—HONORING THE 21 MEMBERS OF THE NATIONAL GUARD WHO WERE KILLED IN THE CRASH OF A NATIONAL GUARD AIRCRAFT ON MARCH 3, 2001, IN SOUTH-CENTRAL GEORGIA

Mr. WARNER (for himself, Mr. ALLEN, Mr. GRAHAM, and Mr. NELSON of Florida) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 22

Whereas a C-23 Sherpa National Guard aircraft crashed in south-central Georgia on March 3, 2001, killing all 21 National Guard members on board;

Whereas of the 21 National Guard members on board, 18 were members of the Virginia Air National Guard from the Hampton Roads area of Virginia returning home following two weeks of training duty in Florida and the other 3 were members of the Florida Army National Guard who comprised the flight crew of the aircraft;

Whereas the Virginia National Guard members killed, all of whom were members of the 203rd Red Horse Engineering Flight of Virginia Beach, Virginia, were Master Sergeant James Beninati, 46, of Virginia Beach, Virginia; Staff Sergeant Paul J. Blancato, 38, of Norfolk, Virginia; Technical Sergeant Ernest Blawas, 47, of Virginia Beach, Virginia; Staff Sergeant Andrew H. Bridges, 33, of Chesapeake, Virginia; Master Sergeant Eric Bulman, 59, of Virginia Beach, Virginia; Staff Sergeant Paul Cramer, 43, of Norfolk, Virginia; Technical Sergeant Michael East, 40, of Parksley, Virginia; Staff Sergeant Ronald Elkin, 43, of Norfolk, Virginia; Staff Sergeant James Ferguson, 41, of Newport News, Virginia; Staff Sergeant Randy Johnson, 40, of Emporia, Virginia; Senior Airman Mathew Kidd, 23, of Hampton, Virginia; Master Sergeant Michael Lane, 34, of Moyock, North Carolina; Technical Sergeant Edwin Richardson, 48, of Virginia Beach, Virginia; Technical Sergeant Dean Shelby, 39, of

Virginia Beach, Virginia; Staff Sergeant John Sincavage, 27, of Chesapeake, Virginia; Staff Sergeant Gregory Skurupey, 34, of Gloucester, Virginia; Staff Sergeant Richard Summerell, 51, of Franklin, Virginia; and Major Frederick Watkins, III, 35, of Virginia Beach, Virginia;

Whereas the Florida National Guard members killed, all of whom were members of Detachment 1, 1st Battalion, 171st Aviation, of Lakeland, Florida, were Chief Warrant Officer John Duce, 49, of Orange Park, Florida; Chief Warrant Officer Eric Larson, 34, of Land-O-Lakes, Florida; and Staff Sergeant Robert Ward, 35, of Lakeland, Florida;

Whereas these members of the National Guard were performing their duty in furtherance of the national security interests of the United States;

Whereas the members of the Armed Forces, including the National Guard, are routinely called upon to perform duties that place their lives at risk; and

Whereas the members of the National Guard who lost their lives as a result of the aircraft crash on March 3, 2001, died in the honorable service to the Nation and exemplified all that is best in the American people; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) honors the 18 members of the Virginia Air National Guard and 3 members of the Florida Army National Guard who were killed on March 3, 2001, in the crash of a C-23 Sherpa National Guard aircraft in south-central Georgia; and

(2) sends heartfelt condolences to their families, friends, and loved ones.

AMENDMENTS SUBMITTED AND PROPOSED

SA 13. Mr. LEAHY proposed an amendment to the bill S. 420, to amend title II, United States Code, and for other purposes.

SA 14. Mr. WELLSTONE proposed an amendment to the bill S. 420, *supra*.

SA 15. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 420, *supra*; which was ordered to lie on the table.

SA 16. Ms. COLLINS (for herself, Mr. KERRY, and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 420, *supra*; which was ordered to lie on the table.

SA 17. Mr. DURBIN proposed an amendment to the bill S. 420, *supra*.

SA 18. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 420, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 13. Mr. LEAHY proposed an amendment to the bill S. 420, to amend title II, United States Code, and for other purposes; as follows:

At the end of title IV, add the following:

SEC. 446. PRIORITY FOR SMALL BUSINESS CREDITORS.

(a) CHAPTER 7.—Section 726(b) of title II, United States Code, is amended—

(1) by inserting “(1)” after “(b)”;

(2) by striking “paragraph, except that in a” and inserting the following: “paragraph, except that—

“(A) in a”; and

(3) by striking the period at the end and inserting the following: “; and

“(B) with respect to each such paragraph, a claim of a small business has priority over a claim of a creditor that is a for-profit business but is not a small business.

“(2) In this subsection—

“(A) the term ‘small business’ means an unincorporated business, partnership, corporation, association, or organization that—

“(i) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

“(ii) is engaged in commercial or business activity; and

“(B) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

“(i) a parent corporation; and

“(ii) any other subsidiary corporation of the parent corporation.”.

(b) CHAPTER 12.—Section 1222 of title 11, United States Code, is amended—

(1) in subsection (a), as amended by section 213 of this Act, by adding at the end the following:

“(5) provide that no distribution shall be made on a nonpriority unsecured claim of a for-profit business that is not a small business until the claims of creditors that are small businesses have been paid in full.”; and

(2) by adding at the end the following:

“(e) For purposes of subsection (a)(5)—

“(1) the term ‘small business’ means an unincorporated business, partnership, corporation, association, or organization that—

“(A) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

“(B) is engaged in commercial or business activity; and

“(2) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

“(A) a parent corporation; and

“(B) any other subsidiary corporation of the parent corporation.”.

(c) CHAPTER 13.—Section 1322(a) is amended—

(1) in subsection (a), as amended by section 213 of this Act, by adding at the end the following:

“(5) provide that no distribution shall be made on a nonpriority unsecured claim of a for-profit business that is not a small business until the claims of creditors that are small businesses have been paid in full.”; and

(2) by adding at the end the following:

“(f) For purposes of subsection (a)(5)—

“(1) the term ‘small business’ means an unincorporated business, partnership, corporation, association, or organization that—

“(A) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

“(B) is engaged in commercial or business activity; and

“(2) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

“(A) a parent corporation; and

“(B) any other subsidiary corporation of the parent corporation.”.

On page 67, line 4, strike “inserting”; and” and insert “inserting a semicolon”.

On page 67, line 13, strike the period and insert “; and”.

On page 69, line 13, strike “inserting”; and” and insert “inserting a semicolon”.

On page 69, line 22, strike the period and insert “; and”.

Amend the table of contents accordingly.

SA 14. Mr. WELLSTONE proposed an amendment to the bill S. 420, to amend title II, United States Code, and for other purposes; as follows:

On page 441, after line 2, add the following:

(c) EXEMPTIONS.—

(1) IN GENERAL.—This Act and the amendments made by this Act do not apply to any debtor that can demonstrate to the satisfaction of the court that the reason for the filing was a result of debts incurred through

medical expenses, as defined in section 213(d) of the Internal Revenue Code of 1986, unless the debtor elects to make a provision of this Act or an amendment made by this Act applicable to that debtor.

(2) APPLICABILITY.—Title 11, United States Code, as in effect on the day before the effective date of this Act and the amendments made by this Act, shall apply to persons referred to in paragraph (1) on and after the date of enactment of this Act, unless the debtor elects otherwise in accordance with paragraph (1).

SA 15. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 420, to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INVOLUNTARY CASES.

Section 303 of title 11, United States Code, is amended—

(1) in subsection (b)(1), by—

(A) inserting “as to liability or amount” after “bona fide dispute”; and

(B) striking “if such claims” and inserting “if such undisputed claims”; and

(2) in subsection (h)(1), by inserting before the semicolon the following: “as to liability or amount”.

SA 16. Ms. COLLINS (for herself, Mr. KERRY, and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 420, to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _____. 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