

true friend to many Senators and staff on both sides of the aisle, and we all wish her well as she starts the next chapter of her life.

Congratulations, Kelly.

Mr. LOTT. Mr. President, I join the distinguished minority leader in extending best wishes. Kelly has been a very valuable asset here in the Senate, mostly on the other side of the aisle, but she has a very pleasant personality. I have enjoyed visiting with her on occasion.

#### AUTHORITY FOR COMMITTEES TO REPORT

Mr. LOTT. Mr. President, I ask unanimous consent the committees have between 11 a.m. and 2 p.m. on Tuesday, August 27, to file legislative or executive reported legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS-CONSENT AGREEMENT—H.R. 3396

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, we have worked out an agreement on the handling of the Defense of Marriage Act legislation.

Again, we have worked together through a lot of concerns. I think we have a fair agreement here.

I ask unanimous consent that on September 5, 1996, at 10 a.m., the Senate proceed to the consideration of H.R. 3396, the Defense of Marriage Act, and it be considered under the following constraints: I ask that the time for debate on the bill be limited to 2 hours, to be equally divided in the usual form, with 1 additional hour under Senator BYRD's control.

I ask that Senator KENNEDY or his designee be recognized to offer up to four first-degree amendments; that Senator NICKLES or his designee be recognized to offer up to four first-degree amendments; that time on the amendments be limited to 45 minutes equally divided in the usual form, except that on the first Kennedy amendment there be 90 minutes, with no other amendments or motions to refer in order; that at the conclusion or yielding back of time, the Senate vote on each amendment; provided further that Senator KENNEDY be recognized to offer the first amendment; and that the amendments be in order notwithstanding the adoption of a previous amendment.

I further ask unanimous consent that the amendments be submitted to each leader by 5 p.m. on Tuesday, September 3, and that they be printed in the RECORD; provided further that either leader, following review of the submitted amendments, may void this agreement after notification, prior to 5 p.m. on Wednesday, September 4, 1996; that following disposition of all the amendments, the bill be read for a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield the floor.

#### UNANIMOUS-CONSENT AGREEMENT—S. 39

Mr. STEVENS. Mr. President, I do thank the leader. I do now wish to propound a unanimous-consent agreement for Calendar No. 422, which is S. 39, the Sustainable Fisheries Act.

I ask unanimous consent that, on Wednesday, September 4, 1996, or thereafter at a time to be determined by the majority leader after consultation with the Democratic leader, the Senate turn to the immediate consideration of S. 39, Calendar 422, an act to amend the Magnuson Fishery Conservation and Management Act, that debate on the bill be limited to 1 hour equally divided in the usual form, and only the following amendments be in order to the bill: The committee substitute, a manager's amendment to be offered by me, Senator STEVENS, an amendment to be offered by Senator HOLLINGS, an amendment to be offered by Senator KERRY, up to two amendments to be offered by Senator MURRAY, up to two amendments to be offered by Senator WYDEN, and up to four amendments to be offered by Senator SNOWE.

There shall be no more than 30 minutes, equally divided, on any one of the first- or second-degree amendments; the committee substitute shall be considered original text for the purpose of the other amendments; only relevant second-degree amendments shall be in order to the amendments by Senators HOLLINGS, KERRY, MURRAY, SNOWE, and WYDEN; no other amendments, first or second degree, shall be in order; all amendments shall be relevant to S. 39; that the time on second-degree amendments be limited to 30 minutes each.

Further I ask all points of order be waived and no other motions be in order to this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Thank you very much. I am indebted to all the Senators involved. Mr. President, I do believe this will be one of the most significant acts passed by this Congress. It is a very significant thing as far as my State and all coastal States are concerned. I am grateful to all concerned who have labored so hard today to get this agreement so we can proceed with this in September.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

#### IMPACT AID TECHNICAL AMENDMENTS ACT OF 1996

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 392, H.R. 3269.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3269) to amend the Impact Aid program to provide for a hold-harmless with

respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5155

(Purpose: To amend the Impact Aid program.)

Mr. STEVENS. Mr. President, there is a substitute amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. KASSEBAUM, for herself, Mr. PRESSLER, Mr. D'AMATO, Mr. KERREY, Mr. MOYNIHAN, Mr. SIMPSON and Mrs. FRAHM, proposes an amendment numbered 5155.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5155) was agreed to.

Mr. PRESSLER. Mr. President, I am proud to be a cosponsor of H.R. 3269, a bill to make technical corrections in the law that governs the Impact Aid Program. This bill represents the culmination of months of hard work. I would like to thank the Chair of the Labor and Human Resources Committee, Senator KASSEBAUM for her diligent work in bringing this extremely important bill to the floor. Her efforts helped to ensure that federally impacted schools will get the financial assistance they deserve and need.

Impact Aid is an important program for many schools. Impact Aid is a Federal responsibility. The program reimburses school districts that lost tax base due to a Federal presence, such as a military base or Indian reservation. This program provides funds for day-to-day school operations, such as buying books and paying teachers. These are not special funds for extra projects. This is a program based on the basic principle of fairness. We should fund the basics of education before we spend money on extra programs.

The expeditious passage of this bill today would ensure that many Federally impacted schools will have the funds needed to keep their doors open, literally, this fall. School districts depend on Impact Aid for basic operating expenses. This bill would ensure that payments are made in a timely manner.

I am particularly concerned about Section 2 of the Impact Aid program as

it pertains to two school districts in South Dakota. Specifically, without passage of this critical bill, two South Dakota schools, Bonesteel-Fairfax and Wagner, could stand to lose together almost \$1 million. That must not be allowed to happen. Essentially, the bill before us would allow these school districts to claim eligibility under Section 8003. The Bonesteel-Fairfax and Wagner districts were in fact eligible for Impact Aid funds, but were unaware of their eligibility because of a change in the Federal statute. Unfortunately, the Department of Education could not allow these districts to amend their applications. Consequently, they were denied funds that they deserved due to the simple error of not checking the proper eligibility box. This bill would correct this situation and provide these districts the opportunity to reapply for Impact Aid funds. As always, I will fight to see that both these schools and all other federally impacted schools in South Dakota get the funding they need under the Impact Aid program. This is the fair thing to do. It was not the intention of Congress to deny schools funds due to administrative errors or technical oversights. Quite simply, this is a fairness issue.

The bill before us would not create new criteria to implement the intent of Congress. These technical corrections permit the Department of Education to administer the Impact Aid program consistent with the intent of Congress. The technical amendments provide recourse for the schools to receive funds to which they are entitled under the intent of the law.

I am pleased that we are taking action on this legislation. The schools that would benefit from this bill need and deserve the assistance. The Federal Government has placed these schools in a very difficult position, through no fault of their own. That's why impact aid must remain a top Federal responsibility.

Unfortunately, getting this bill through has not been easy, in part because the current administration does not have its priorities straight. For the fourth consecutive year, the Clinton administration's budget called for the Federal Government to lessen its commitment to impact aid. For the next year, the Clinton administration requested only \$617 million for impact aid. It recommended the elimination of payments for Federal lands. This means 23 South Dakota school districts would not have been eligible for Federal funds. That is wrong. How can President Clinton claim he is the education President when his budgets would deny the most basic needs to schools in South Dakota? Federally impacted districts and the children they serve cannot withstand further reductions in the program.

It is my understanding that the President will not sign this legislation, but allow it to become law. This is yet another indication of the administration's hostility to the Impact Aid Pro-

gram. Obtaining the appropriate level of funding is a struggle every year. There will be more battles over impact aid funding. I'm ready. I will continue to fight for our Nation's children and federally impacted school districts. This is my commitment to those schools and the families they serve.

Again, I thank the chair of the Labor and Human Resources Committee, its ranking member and their counterparts in the House for their good work to get this bill through Congress and to the President. This bill enjoys widespread, bipartisan support. With the support of my colleagues, we can fulfill our legislative responsibility to federally impacted school districts and pass this impact aid technical corrections.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3269) was deemed read the third time and passed, as amended.

#### BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 1996

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 434, S. 1559.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1559) to make technical corrections to title 11, United States Code, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

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

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Bankruptcy Technical Corrections Act of 1996".*

##### SEC. 2. DEFINITIONS.

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

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

(2) in paragraph (51B)—

(A) by inserting "family farms or" after "other than"; and

(B) by striking all after "thereto" and inserting a semicolon;

(3) by reordering the paragraphs so that the terms defined in the section are in alphabetical order and redesignating the paragraphs accordingly;

(4) in paragraph (37)(B) (defining insured depository institution), as redesignated by paragraph (3) of this section, by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)(A)";

(5) in each paragraph, by inserting a heading, the text of which is comprised of the term defined in the paragraph;

(6) by inserting "The term" after each paragraph heading; and

(7) by striking the semicolon at the end of each paragraph and "and" at the end of paragraphs (35) and (38) and inserting a period.

##### SEC. 3. ADJUSTMENT OF DOLLAR AMOUNTS.

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

##### SEC. 4. COMPENSATION TO OFFICERS.

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

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

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

##### SEC. 5. EFFECT OF CONVERSION.

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

##### SEC. 6. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Section 365 of title 11, United States Code, is amended—

(1) in subsection (c)—

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

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

(C) by striking paragraph (4);

(2) in subsection (d), by striking paragraphs (5) through (9); and

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

##### SEC. 7. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

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

##### SEC. 8. PRIORITIES.

Section 507(a)(7) of title 11, United States Code, is amended by inserting "unsecured" after "allowed".

##### SEC. 9. EXEMPTIONS.

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

(1) in each of subsections (b)(1) and (d)(10)(E), by striking "unless" and inserting "but only to the extent that";

(2) in subsection (f)(1)(A)(ii)(II), by striking "support.;" and inserting "support.;" and

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

##### SEC. 10. EXCEPTIONS TO DISCHARGE.

Section 523(a)(3) of title 11, United States Code, is amended by striking "or (6)" each place it appears and inserting "(6), or (15)";

##### SEC. 11. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

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

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

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

##### SEC. 12. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code (as added by section 208(b) of the Bankruptcy Reform Act of 1994), is amended by inserting "365 or" before "542".

##### SEC. 13. LIMITATIONS ON AVOIDING POWERS.

Subsection (a) of section 546 of title 11, United States Code, as added by section 222(a) of the Bankruptcy Reform Act of 1994 (108 Stat. 4129), is redesignated as subsection (h).

##### SEC. 14. LIABILITY OF TRANSFEREE OF AVOIDED TRANSFER.

(a) IN GENERAL.—Section 550(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "avoided under section 547(b)" and inserting "avoidable under section 547"; and