

The bill (H.R. 672), as amended, was deemed read a third time, and passed.

FAMILY FARMER PROTECTION ACT OF 1997

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now provide to the consideration of calendar No. 202, S. 1024.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1024) to make chapter 12 of title 11 of the United States Code permanent, 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.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be considered read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

The bill (S. 1024) was deemed read a third time, and passed, as follows:

S. 1024

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 "Family Farmer Protection Act of 1997".

SEC. 2. REPEAL OF SUNSET PROVISION.

Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 3. CLARIFICATION OF RIGHTS OF FAMILY FARMERS AFTER SUCCESSFUL COMPLETION OF A PLAN.

Section 2008h(b)(2), of title 7, United States Code is amended by adding "or has successfully completed a reorganization plan under Chapter 12 of title 11, United States Code (the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986, Public Law No. 99-554, as amended)" after "title".

INVESTMENT IN EDUCATION ACT OF 1997

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 205, S. 1149.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1149) to amend title 11, United States Code, to provide for increased education funding, 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 inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investment in Education Act of 1997".

SEC. 2. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting "(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)" after "under this title";

(2) in subsection (b)(2), after "507(a)(1)", insert "(except that such expenses, other than claims for wages, salaries, or commissions which arise after the filing of a petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)"; and

(3) by adding at the end the following: "(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

"(1) exhaust the unencumbered assets of the estate; and

"(2) in a manner consistent with section 506(c) of this title, recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of that property.

"(f) Notwithstanding the exclusion of ad valorem tax liens set forth in this section and subject to the requirements of subsection (e)—

"(1) claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(3) of this title; or

"(2) claims for contributions to an employee benefit plan entitled to priority under section 507(a)(4) of this title,

may be paid from property of the estate which secures a tax lien, or the proceeds of such property."

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired."

SEC. 3. ENFORCEMENT OF CHILD AND SPOUSAL SUPPORT.

Section 522(c)(1) of title 11, United States Code, is amended by inserting " , except that, notwithstanding any other Federal law or State law relating to exempted property, exempt property shall be liable for debts of a kind specified in section 523(a) (1) or (5) of this title" before the semicolon at the end of the paragraph.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered read a third time, and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

The committee substitute was agreed to.

The bill (S. 1149), as amended, was read a third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate im-

mediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 335, Nos. 345 through 349, Nos. 353 through 359, and Nos. 361 through 369, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy. And I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF LABOR

Charles N. Jeffress, of North Carolina, to be an Assistant Secretary of Labor.

DEPARTMENT OF TRANSPORTATION

Kenneth R. Wykle, of Virginia, to be Administrator of the Federal Highway Administration.

THE JUDICIARY

Mary Ann Cohen, of California, to be a Judge of the United States Tax Court for a term of fifteen years after she takes office.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Margaret Ann Hamburg, of New York, to be an Assistant Secretary of Health and Human Services.

SOCIAL SECURITY ADMINISTRATION

Stanford G. Ross, of the District of Columbia, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2002.

DEPARTMENT OF THE TREASURY

David W. Wilcox, of Virginia, to be an Assistant Secretary of the Treasury.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

John E. Mansfield, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2001.

AIR FORCE

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Stewart E. Cranston, 0000

The following-named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, United States Code, section 12203:

To be brigadier general

Col. James P. Czekanski, 0000

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force, to the grade indicated under title 10, United States Code, section 12203:

To be major general

Brig. Gen. Rendell F. Clark, Jr., 0000

Brig. Gen. Wilfred Hessert, 0000

Brig. Gen. Theodore F. Mallory, 0000

Brig. Gen. Loran C. Schnaidt, 0000

Brig. Gen. James E. Whinnery, 0000

To be brigadier general

Col. Garry S. Bahling, 0000

Col. David A. Beasley, 0000

Col. Jackson L. Davis III, 0000

Col. David R. Hudlet, 0000

Col. Karl W. Kristoff, 0000